

ORDINANCE NO. 1513

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON REPEALING KALAMA MUNICIPAL CODE CHAPTER 16 SUBDIVISIONS WITH A NEW CHAPTER 16 LAND USE DEVELOPMENT REGULATIONS AND PROCEDURES

WHEREAS, the Kalama City Council requested the Kalama Planning Commission review all sections of the Kalama Municipal Code related to land use and the procedures for regulating and processing applications to refine and make the processes more precise and easier for staff and developers to use and comply with;

WHEREAS, the Kalama Planning Commission conducted a review over six months and has drafted a new Kalama Municipal Code Chapter 16 Land Use Development Regulations and Procedures which has consolidated the processing and review of land use applications providing users with improved consistency in application requirements, permit processing and timelines, incorporating existing sections of Chapter 16 within the new code chapter and includes the rearrangement of some existing code sections outside of Chapter 16;

WHEREAS, the Kalama Planning Commission held a public hearing on the draft code revisions on February 8, 2024 and is recommending the City Council adopt the new chapter 16 – Land Use Development Regulations and Procedures

WHEREAS, the Kalama City Council held a public hearing on the draft code and associated SEPA DNS and comments on March 21, 2024;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Chapter 16 Subdivisions is repealed in its entirety.

Section 2. A new Kalama Municipal Code Chapter 16 Land Use Development Regulations and Procedures attached as Exhibit A to this ordinance is adopted.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4 . This ordinance shall become effective *five days after passage, approval, and publication as provided by law.*

Passed by the City Council of the City of Kalama at a regular meeting held on the 4th day of April 2024.

Mayor Mike Reuter

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed:

Published:

Effective:

16 – Land Use Development Regulations and Procedures

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Chapter 16.01 - GENERAL PROVISIONS

16.01.010 - Title.

This Title shall be known as the City of Kalama Land Use Development Regulations and Procedures

16.01.020 - Purpose.

The purpose of this code is to provide rules, regulations, requirements, and standards for development of land in the city, ensuring that the public health, safety, general welfare, and design standards of the city are promoted and protected; that planned growth, development, and the conservation, protection and proper use of land are ensured; that proper provisions for all public facilities including circulation, utilities, open space, parks, and services comply with adopted regulations and standards; and that the goals and policies of the city of Kalama comprehensive plan is furthered through the development of land.

16.01.030 - Applicability.

These regulations and procedures apply to all land development activities in the City of Kalama, unless otherwise exempted.

16.01.040 - Regulations mandatory.

No person shall develop, alter the use, or increase the development of any land within the city of Kalama without review and approval through the regulations and procedures in this chapter unless specifically exempt.

16.01.050 - Administrative duty.

Unless otherwise specified, the City Administrator ("Responsible Official"), their designee, and/or the city planner are responsible for administering this title and may prepare and require the use of such additional forms and requirements which are necessary to effectuate the provisions thereof.

16.01.060 - Fees.

Fees for application procedures and reviews within this title are set by resolution of the City of Kalama City Council. Fees are amended annually and may include reimbursement for costs for outside consultants for review of applications as specified in the current fee schedule.

16.01.070 - Consent to access.

Applicants shall permit free access to the land being divided to all agencies considering the application for the period of time extending from the time of application to the time of final action and acceptance by the City.

16.01.080 - Enforcement.

A. Enforcement of this title is governed by Chapter 17.10—Enforcement of the Kalama Municipal Code.

Chapter 16.02 - DEFINITIONS

16.02.010 - Definitions.

For the purpose of this title, certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular tense shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" denotes a use of discretion.

"Access" means a means of approaching, entering and leaving a property, providing for the vested rights of an owner or lessee of land ingress and egress to and from the property to and from a public street or road.

"Access road" means a privately held and maintained unobstructed way of specified width containing a drive or round way which provides vehicular access within a manufactured home park.

"Active solar energy systems" means a system which collects the sun's radiation in a specially designed structure or device for heating air, water or another liquid medium which is hydraulically/mechanically delivered to the point of use for space and/or water heating or is stored for future use. Pumps, piping, thermostats, fans and other devices characterize an active system. See "solar energy system."

"Actual cost of inspection" means the cost, including overhead, to the department of public works supervisor or his designee of inspecting subdivision improvements.

"Administrator" means the director of public works or their designee.

"Alley" means a passage or way, open to public travel and dedicated to public use, affording a secondary access to lots at their side or rear lot lines and not intended for general traffic circulation.

"APWA specifications" means the current edition of the "Standard Specifications for Municipal Public Works Construction" of the Washington Chapter of the American Public Works Association, as may be amended and except as superseded by standards adopted by the city.

"As-built drawings or plans" means revised construction plans in accordance with all approved field changes reflecting the improvements on the site as they actually exist.

"Block" means a well-defined parcel of land bounded on all sides by streets, railroad right-of-way, physical barriers such as watercourses, public or common parks or open space, unsubdivided acreage, or a combination thereof and not traversed by a through street.

"Boundary line adjustment" means a change in the location of lot lines which does not result in an increase in the number of lots contained therein and conforms to the standards set forth in Chapter 16.14 KMC.

"Buffer strip" means a landscaped strip of land at least ten feet in width providing visual separation.

"Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all of the required yards, open space and setbacks.

"Calendar Day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, legal holiday, or day on which the City of Kalama's offices are closed for unforeseen reasons, in which

case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday. For the purpose of this Chapter, the number of days noted shall be calculated by counting every calendar day.

"City" means Kalama, Washington.

"City planner" means the Kalama city planner.

"Clearing" means removal of trees, snags, brush, rubbish and any structures not intended for use in a subdivision.

"Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the city council, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

"Collector street" means a street that collects and distributes traffic within an area or neighborhood to the arterial system. It may supply access to abutting property but access should be minimized and may be restricted if other access from local streets is available. Collector streets are given priority over local streets in any traffic control installations. Streets providing egress from a subdivision to connecting streets outside are generally collectors.

"Commission" means the planning commission of the city of Kalama.

"Common land" means a parcel or parcels of land reserved primarily for the leisure and recreational use of subdivision residents and owned and maintained in common by them, generally through a property owners' association.

Common Open Space. See "Common land."

"Complete application" means the elements required in Section 16.32.020(A) of this title to be submitted before the planning commission will consider a preliminary plat. "Comprehensive plan" means a coordinated plan for the physical development of the city, designating among other things, elements and programs to encourage the most appropriate use of land and to lessen congestion throughout the city in the interest of the public health, safety and welfare and promote efficiency and economy. For purposes of this chapter, the "comprehensive plan" is the text and map as adopted by the council and thereafter amended.

"Condominium subdivision" means a subdivision with co-ownership or cooperative ownership of common property as defined in Chapter 64.32 of the Revised Code of Washington.

"Contiguous common parcels" means land adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different sections, different government lots or are separated from each other by roads or rights-of-way, unless such roads and rights-of-way are improved and maintained by the city.

"Council" means the city council of the city of Kalama.

"Covenant" means a private legal restriction on the use of land, contained in the deed to a property or otherwise formally recorded.

"Cul-de-sac" means a local street closed at one end. Cul-de-sacs are required by this chapter to terminate in a turning circle for the safe and convenient reversal of traffic movement.

"Day" means the days that the office of the administrator is open for business, unless otherwise specified.

"Dedication" means the deliberate appropriation of land or improvements by the owner thereof for any general or public use. In making a dedication, the owner reserves to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner on the final plat, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city council.

Deed Restriction. See "Covenant."

"Difficult development land" means land which the administrator has found to be environmentally sensitive or unsuitable for division due to flooding, bad drainage, steep slopes, slide areas and potential slide areas, rock formations, or other features likely to be harmful to the safety and general health of the future residents and adjacent land owners.

"Director" means the director of public works or their designee.

"Division of land" means any conveyance or lease of a parcel of land, not otherwise exempt or provided for in this chapter, which alters the legal description of any lot or parcel that was segregated and recorded prior to the effective date of the ordinance codified in this chapter and shall include development of two or more building sites on an existing parcel.

"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family.

"Easement" means a written grant by a land owner to another person, the public or the public's agencies authorizing use of a portion of land for a specified purpose or purposes.

"Engineer" means the director of public works or their designee.

"Environmental checklist" means the form required by WAC Chapter 197-10 to be filled out by the proponent of an action, as defined in WAC 197-10, before a threshold determination is made on the action's environmental significance.

"Environmental impact statement (EIS)" means an environmental impact statement prepared pursuant to RCW Chapter 43.21C (the State Environmental Policy Act) and WAC Chapter 197-10 (Guidelines implementing the act).

"Final plat" means the final drawing and accurate representation of a subdivision showing lots, blocks, street and crosswalk rights-of-way, alleys, common areas, easements, dedications, distances, monuments, certificates of approval, and other matters specified in Chapter 16.48 of this title, prepared for filing for record with the county auditor.

"Final short plat" means the final drawing of the short subdivision, including dedication, prepared for filing for record with the Cowlitz county auditor and containing all the elements and requirements that are set forth in this chapter and regulations adopted pursuant to this chapter.

"Fire district representative" means a representative of fire district no. 5.

"Flag lot" means a lot which has access to a public right-of-way by means of a narrow strip of land, which is part of the lot.

"Flag stem" means that portion of a flag lot which connects a lot or a grouping of continuous small lots to a developed city street. A flag stem shall be a minimum of twelve and one-half feet wide, for a single-family residence and twenty feet wide for multiple-family dwellings.

"Grade" means the slope of a street or other public way, specified in percentage terms.

"Gross acreage" means the total acreage lying within the boundaries of the plat.

"Grubbing" means removal of stumps, roots, rocks and other material in the ground.

"Hearing examiner" means an individual that is appointed to hear and decide land use matters in accordance with the provisions set forth in Chapter 2.34 KMC.

"Homeowners' association" means an incorporated organization operating under recorded agreement through which: (1) each lot owner is automatically a member; and (2) each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

"IFC" means the International Fire Code.

"Improvements" means any structures, works or components thereof, including, but not limited to, streets, curbs, sidewalks, crosswalks, water and sanitary sewer lines and connections, drainage ditches, storm sewer systems, streetlight systems, landscaping, and electrical, gas, telephone and television lines, cables and appurtenant equipment.

"Integral curb and sidewalk" means an approach to construction and installation of curbs, sidewalks and underground utilities by which the sidewalk abuts the curb and the underground utilities are located outside the sidewalk abutting the lots.

"Kalama urban area" means the area within the urban sphere of influence as specified by the city under its adopted "urban services area program."

"KMC" means the Kalama Municipal Code.

"Land surveyor" means a surveyor registered or licensed in the state of Washington.

"Loading" means the weight, as from structures, that a soil can hold before it shears or fails.

"Local street" means a street that serves primarily to provide access to abutting property, that offers the lowest level of traffic mobility of city street classes, and on which through-traffic is deliberately discouraged.

"Lot" means a fractional part of subdivided land having fixed boundaries, being of sufficient area and dimensions to meet minimum requirements of the zoning ordinance, and intended as a unit for transfer of ownership and occupancy by one principal use or structure. The term shall include tracts, parcels or building sites.

"Lot area" means the total horizontal area within the boundary lines of a lot.

"Lot of record" means a lot legally existing as of the date on which this title is adopted, which does not meet the applicable area, frontage, width or depth requirements of the subdivision and zoning ordinances.

"Major (primary) arterial" means a street for moving large volumes of intra-traffic, including traffic to and from the freeway-expressway system. Major arterials connect areas of high traffic generation within and around the city and provide links with important rural routes. Major arterials shall be as indicated on the street classification map maintained by the city.

"Manufactured home" is as defined by Title 17.

"Manufactured home park" means a tract of land under single ownership upon which multiple manufactured homes occupied as dwellings may be situated.

"Manufactured home space" means a plot of ground within a park designed for the accommodation of one manufactured home.

"Master plan" means the map showing the ultimate, intended development pattern of a parcel to be developed in successive phases of subdivision, prepared in conformance with Title 16.

"Minor (secondary) arterials" means a street that carries primarily through-traffic but has a secondary function of providing access to abutting property. Minor arterials offer less mobility and carry a lesser volume of traffic than major arterials as well as between major arterials. Minor arterials shall be as indicated on the street classification map maintained by the city.

"Off-site" means and refers to premises not located within the boundary of the property to be subdivided, regardless of whether it is owned by the applicant for subdivision approval.

"Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the city council to conduct such hearings, that creates the record through testimony and submission of evidence and information, under procedures prescribed by ordinance or resolution. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

"Open space" means improved or unimproved area that is (1) designated and maintained for active or passive recreation, other activities normally carried on outdoors, visual buffering, or for preservation in a natural state because of natural assets or unsuitability for development, and (2) not covered by buildings, accessory structures, parking structures, parking lots, except that structures appropriate for the authorized recreational use of the open space used to conserve or enhance the amenities of the open space may be sited on the open space. Open space does not include street right-of-way, parking lots or yards in platted lots. Depending upon authorization by the city, open space may be owned either in common by and for the use of the subdivision residents or by a public agency through dedication to the public.

"Original tract" means a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of the short subdivision ordinance codified in this chapter, as hereafter amended, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others, not related to or associated by business partnership with the owner.

"Other security" means one of the methods or instruments other than a plat performance bond assuring completion of improvements and including a personal bond, letter of credit from a bank, certified or cashier's check, and assignment of funds. Provision of such methods or instruments shall conform to Title 16.

"Owner" means the person or group of persons having legal title to the land sought to be subdivided or the contract purchaser, mortgagee or person or group of persons who controls a deed of trust as beneficiary or grantor if such interest controls disposition of the property to be subdivided.

"Parking space" means an area not less than nine feet by eighteen feet long designed to accommodate one vehicle.

"Passive solar energy system or design" means a system or design for space heating and cooling which uses the building itself for collection and storage of solar energy and relies primarily upon natural paths of warm and cool air flow for distribution. Collection is through south-facing windows and storage is in an interior inanimate mass such as a concrete and tile floor, concrete and brick wall or water containers. See "Solar energy system."

"Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture, municipality, county or state agency.

"Planned unit development" means a type of subdivision characterized by a unified site design, clustering of buildings, provision of common open space, density increases, and a mix of building types and land uses and subject to Title 16.

"Planning commission" means the planning commission of the city of Kalama.

"Plat" means the map or representation of the subdivision showing thereon the division of a tract or parcel of land into more than four lots if any one of the divisions is less than five acres in size with blocks, streets, alleys and other divisions and dedications.

"Plat performance bond" means a form of security executed by a surety company authorized to transact business in the state of Washington, securing to the city the satisfactory completion of required improvements and fulfilling the requirements of Chapter 16.36 of this title.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision furnishing a basis for the approval, conditional approval, or disapproval of the proposed subdivision, showing lots, blocks, street and crosswalk rights-of-way, alleys, common open space, easements, dedications, and distances and conforming in detail to Title 16.

"Private road" means a particular ingress and egress in private ownership and used by the owner or those having an express or implied permission from the owner, but not other persons.

"Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to site plan review, building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development

permits, site plan review, permits or approvals required by critical area ordinances and site-specific rezones authorized by a comprehensive plan.

"Public hearing" means a duly advertised proceeding of the planning commission or city council, acting fairly and impartially and in accordance with law and adopted rules of procedure, at which persons affected by a proposed action have opportunity to appear to be heard, to present evidence or testimony, and to challenge opponents' evidence or testimony.

"Public meeting" means a proceeding of the planning commission or city council, open to the public and held in conformance with state law, at which action is taken. Action means the transaction of official business, including but not limited to a collective decision made by a majority of the members of the body, a collective commitment or promise by a majority of the members of the body to make a positive or negative decision, or an actual vote by a majority of the members of the body when sitting as a body or entity.

"Public works standards" means the current edition of the adopted city of Kalama development guidelines and public works standards.

"PUD" means a planned unit development.

"Radius of curvature" means a term referring to the sharpness of a horizontal curve. For a street, the centerline radius of a simple curve is measured from the point of intersection of city lines drawn to the two points on the centerline where the curve begins and ends. The centerline radius or curvature is the length of either line so drawn.

"RCW" means the Revised Code of Washington.

"Resubdivision" means within an existing subdivision established under RCW Chapter 58.16 or 58.17, the division of an individual lot or parcel into any number of smaller lots or parcels for the purpose of sale or lease, the combining of lots, or the creation or extension of a street. Resubdivisions as herein defined do not require compliance with RCW Chapter 58.11 or 58.12.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, pipeline, power line, water main, sanitary or storm sewer main, shade trees, or for another special use. Rights-of-way are separate and distinct from the lots or parcels adjoining such right-of-way and are not included in the dimensions or areas of lots or parcels.

"Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation, or principal means of access to abutting property.

"Secretary" means the secretary of the planning commission.

"SEPA" means the State Environmental Policy Act, as amended (RCW Chapter 43.21C).

"SEPA guidelines" means the state regulations interpreting and implementing the State Environmental Policy Act (WAC Chapter 197-10).

"Service building" means a structure housing toilet, lavatory, shower and such other facilities as may be required by these rules and regulations.

"Shear strength" means the maximum resistance of soil to shearing stresses. A shear test indicates the ability of a soil to hold after cutting.

"Short plat" means the map of the short subdivision.

"Short subdivision" means the division or redivision of land into four or fewer lots, tracts, sites, parcels or division, each of which is less than five acres in size.

"Significant tree" means an existing healthy tree which, when measured four feet above grade, has a minimum diameter of eight inches for evergreen trees, or twelve inches for deciduous trees.

"Site plan" means a drawing to scale specified by local ordinance and which:

1. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and other matters specified by local regulations;
2. Contains inscriptions or attachment setting forth such appropriate limitations and conditions for the use of the land.

"Sketch plan" means a generalized map preparatory to a preliminary plat, prepared for review at a pre-application conference and showing the general layout of a prospective subdivision in conformance with this title.

"Slope" means a term referring to the steepness of terrain, expressed in percentage terms, and determined by dividing the vertical raise in elevation by the distance over which the rise occurs.

"Soil survey" means the "Soil Survey for the Cowlitz Area, Washington," 1974, with 1979 update, prepared by the Soil Conservation Service of the U.S. Department of Agriculture.

"Solar easement" means a right expressed as an easement, restriction, covenant or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems (RCW 64.04.150(1)(b)). A solar easement allows a solar system owner to use the airspace above the southern neighbor's property in order to receive uninterrupted sunlight for agreed upon times during the year.

"Stand" means that part of a manufactured home space reserved for the placement of the home.

"State Environmental Policy Act" means RCW Chapter 43.21C, as amended.

"Street" means for the purposes of this title, a public way that provides vehicular circulation or primary access to abutting properties, inclusive of arterials, collector streets and local streets and exclusive of alleys. Physically, a street is the improved and maintained portion of a right-of-way that is designed for vehicular use.

"Street classification system" means the categorization of street and alleys by the following classes: freeway or expressway, major (primary) arterial, minor (secondary) arterial, collector street, local street in multifamily housing areas, local street in single-family housing areas and alleys. Classification of any given street is based upon its location, present and prospective traffic volume, and relative importance and function. Additional guidelines on street classification are provided in the public works standards. Authority for determination of the class of a street shall rest with the public works director.

"Subdivider" means any person who files for approval of or who has undertaken a subdivision or resubdivision of land or one who has an interest in title to the land.

"Subdivision" means a division of or the act of dividing land into five or more lots, parcels, tracts or sites, each of which is less than five acres in size, for the purpose of sale, lease or transfer of ownership and including resubdivision.

"Subdivision agent" means any person who represents or acts on behalf of a subdivider in selling, leasing or developing or offering to sell, lease or develop any interest, lot or parcel in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal service.

"Supervisor" means the department of public works supervisor of the city.

"The State Environmental Policy Act (SEPA)" means the State Environmental Policy Act as defined by RCW Chapter 43.21C as it now exists or is hereafter amended.

"Title" refers to Title 16 of the Kalama Municipal Code.

"WAC" means Washington Administrative Code.

"Zero lot line development" means for the purposes of this title, a development approach permitted in single-family detached dwellings in planned unit developments, in which a single-family detached dwelling is sited on one side lot line with no side yard provided. The intent is to allow for a housing design benefiting small lots and to increase the amount of usable space on a lot. The approach is subject to standards specified in this title.

Chapter 16.03 – Development Action Procedures

16.03.010 - Purpose and Applicability.

1. This chapter describes how the City will process applications for development subject to review under Kalama Municipal Code and is intended to identify the procedures for determining whether development proposals are, or can be conditioned or mitigated to be, consistent with applicable policies, standards, and Kalama Comprehensive Plan objectives. Consistency is determined by consideration of evidence on record that is relevant to these policies, standards, and objectives.
2. Interpretations and Authority. Upon request, the responsible official, or their designee, shall issue a formal written interpretation of a development regulation. A formal written interpretation shall be a Type I action in section 16.100.10 0. If an application for an interpretation is associated with another application(s) subject to this title, then the application for the interpretation shall be combined with the associated application(s) and is subject to the same procedure type as the applications with which it is combined.
3. Authorization for Similar Uses. It is recognized that not every conceivable use can be identified. Therefore, an allowance for a substantially similar use may be granted through a Type I administrative review process in KMC Section 16.03.100.10. In no instance shall a use specifically identified in any zoning district in the City be allowed in another zoning district where that use is specifically permitted or is specifically prohibited in the subject zone. When a use is not specifically listed in KMC Table 17.60.020, the use may be allowed if it is determined by the city administrator or their designee through an administrative review process that the use is similar to other uses listed. In determining similarity, the city administrator shall make findings of fact demonstrating compliance with all similar use criteria of KMC Section 17.60.030.
4. Project permit applications shall be reviewed to achieve the following objectives:
 - A. Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and
 - B. Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.
5. Building permits subject to Title 14 are reviewed as a Type I permit review according to the procedures in chapter 16.03.100.10

16.030.015 Integrated and consolidated project permit process

- A. In addition to the elements required by Title 16, the process shall include the following elements:
 1. A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the permit. If a threshold determination other than a determination of significance has not been issued previously, the report shall include or append this determination.
 2. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing.
 3. Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal or other agency.
 4. A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report

shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the permit. If a threshold determination other than a determination of significance has not been issued previously, the report shall include or append this determination.

5. Except for the appeal of a determination of significance as provided in RCW 43.21C.075, where an appeal of a threshold determination or project permit decision is provided, there shall be no more than one consolidated open record hearing on such appeal. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer.

B. The city shall consolidate the permit processing for projects or development activities that require two or more permits or approvals. Review shall be held by the highest approval authority having jurisdiction over one of the permits or approvals. This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews.

16.03.020 – Severability

If any provision of these procedures or the application thereof to any person or circumstance is deemed invalid, such invalidity shall not affect other provisions or applications of these procedures, which can be given in effect without the invalid provision or application, and to this end any section or word is declared to be severable.

16.03.030 -Development Approvals Timeline – General.

16.03.030.1. Expiration.

a. Unless specified otherwise in this Code, development approvals issued by the City shall be valid for the period of time as noted below and shall be of no force or effect after that time has passed unless an approval extension has been issued pursuant to section 16.03.030.2:

- (1) Type I Development Actions: One (1) year
- (2) Type II Development Actions: Three (3) years
- (3) Type III Development Actions: Five (5) years
- (4) Type IV Development Actions and Subdivisions: Five (5) years

16.03.030.2. Approval Extensions.

a. Approval extensions may be granted for up to one year for Type I applications and two years for type II, Type III, and Type IV applications.

b. Those applications specifically eligible for approval extensions must be submitted in writing a minimum of one day before the original date of expiration in order to be accepted by the City. So long as a complete extension request is submitted prior to the date of expiration, the approval will remain valid throughout the extension request review period and will only expire at the completion of the City's review if the extension is not granted. In the event that an application is submitted that is incomplete, the project will expire on either the date the application is deemed incomplete or the date of the original expiration whichever is later.

c. The applicant must demonstrate that all of the following approval criteria are met for approval of the extension:

- i. The preliminary approval has not expired under 16.03.030.1
- ii. The extension approval must conform to all requirements of this chapter as applied through the preliminary approval. Any deviation or variance granted through the original approval could continue to be applied. No additional variances or deviation of the code standards shall be allowed through this administrative amendment process;

- iii. The applicant must demonstrate to the city administrator that there are no significant changes in conditions, which would render approval of the extension contrary to the public health, safety or general welfare;
- iv. Availability and capacity of the transportation and utility systems is available to serve the proposed development through the extension period requested. This may include additional conditions or modification of the original preliminary approval conditions;
- v. The original preliminary approval time period will lapse because of circumstances outside of the applicant's control and is not solely due to a lack of action of the applicant;
- vi. A substantial investment has been made to implement the original conditions of approval. Demonstration of substantial investment include money and time spend addressing the original conditions of approval either through development of construction plans, completing requirements for additional permitting required by the original approval;
- vii. The applicant must demonstrate that no significant changes in the technical components of the original approval are necessary to protect natural systems, or the public's health, safety and welfare, and
- viii. Dollar values assigned to conditions of approval to meet mitigation obligations, impact fee requirements, or other monetary compensation payable to the city will be adjusted for inflation and to meet current rates as established by the City.
- ix. All current provisions of city code can be addressed with the approval of the requested extensions as necessary to preserve the public health, safety and welfare.

d. The responsible official shall take one (1) of the following actions upon receipt of a timely and complete extension request:

- (1) Approve the extension request if no significant issues are presented under the criteria set forth in Section c. above;
- (2) Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions or addition of additional conditions to the original approval;
- (3) Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approval.

e. The first extension request on any application approval shall reviewed as a Type III action with Planning Commission as the review authority. Subsequent extension requests can be requested; however, any subsequent extension requests shall be processed as a Type IV action and receive a final decision by City Council.

16.03.040 – Reapplication

No person or entity, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one (1) year from the date of the final decision on such previous application, unless such decision is a denial without prejudice, or unless, in the opinion of the review authority, conditions have substantially changed.

16.03.050 – Application Types & Classification

1. Applications for review pursuant to KMC Title 16 shall be subject to a Type I, Type II, Type III or Type IV process as summarized in Table 16.03.050-1.

2. Unless otherwise required, where the City must review more than one (1) application type for a given development, all applications required for the development may be submitted for review concurrently. Where more than one (1) application is submitted for a given development, and those applications are subject to different procedural types or classifications, then all the applications are subject to the highest-number procedure or classification that applies to any of the applications.

3. If this Municipal Code expressly provides that an application is subject to one (1) of the four (4) types of procedures or another procedure, then the application shall be processed accordingly. If this Code does not expressly provide for review using one (1) of the four (4) types of procedures, and another specific class of procedure is not required by law, the responsible official for the application in question shall classify the application as one (1) of the four (4) types of procedures through the process identified as follows:

A. The act of classifying an application shall be a Type I action. Classification of an application shall be subject to reconsideration and appeal at the same time and in the same way as the merits of the application in question. The responsible official shall consider the following guidelines when classifying the procedure type for an application:

- (1) A Type I process involves an application that is subject to clear, objective and nondiscretionary standards or standards that require the exercise of professional judgment about technical issues, and that is exempt from SEPA review. The responsible official is the review authority for Type I decisions.
- (2) A Type II process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. The responsible official is the review authority for Type II decisions.
- (3) A Type III process involves an application that is subject to standards that require the exercise of substantial discretion and about which there may be a broad public interest. The Planning Commission is the review authority for Type III decisions, except for variances and appeals of type I and II decisions where the Hearings Examiner is the review authority.
- (4) A Type IV process involves an application that is subject to standards requiring the exercise of substantial discretion by one or both of the City’s public review boards. The Type IV process also involves the creation, implementation, or amendment of policy or law by ordinance. The Planning Commission and City Council are the review authorities for Type IV decisions.

B. Questions about what procedure is appropriate shall be resolved in favor of the type providing the greatest notice and opportunity to participate.

Table 16.03.050-1 Summary of Development Actions by Procedural Review Type					
	Type I	Type II	Type III	Type IV	Code Reference
Interpretations					
Clarification of Title	X				16.05
Similar Use Determination	X				16.06
Classification of Application Type	X				16.03.050
Permits and Reviews					
Preapplication Conference	X				
Conditional Use Permit (CUP)			X		16.07

Exhibit A

Site Plan Review		X			16.08
Sign Permit	X				16.11
Administrative Review – Mixed Use Zone	X				16.10.010
Master Plan – Mixed Use Zone				X	16.10.030
Master Plan Amendment (Minor) – Mixed Use Zone	X				16.10.040.1
Master Plan Amendment (other amendments) – Mixed Use Zone				X	16.10.040.2
Extension of preliminary approvals	1 st extension request of a Type I or II application		1 st extension request of a Type III or IV application	2 nd or subsequent request for all application extension types	16.03.030.1
Small Lot Development Approval (One Lot)	X				16.12.020
Small Lot Development Approval (Two or More Lots)		X			16.12.040
Development Review – Estate Lot Floating Zone	X				16.13
Post-Decision Review – Minor	X				16.23
Post-Decision Review	Subject to the review procedures of the underlying approval				16.23
Development Agreement				X	16.22
Subdivisions and Annexations					
Boundary Line Adjustment	X				16.14

Exhibit A

Condominium Preliminary Plat				X	16.16.020
Condominium Final Plat				X	16.16.040
Short Subdivision		X			16.15
Subdivision Preliminary Plat				X	16.16.020
Minor Modification to Approved Preliminary Plat	X				16.17.110
Major Modification to Approved Preliminary Plat				X	16.17.110
Subdivision Final Plat				X	16.17.090
Plat Alteration			X		16.18
Plat Vacation			X		16.18
Planned Unit Development (PUD)				X	16.20
Manufactured Home Park				X	16.21
Annexation				X	16.24
Variance			X		16.09
Amendments					
Rezone				X	16.25
Code Amendment				X	16.25
Environmental and Special Area-Related Reviews					
Critical Areas Determination	X				15.02.090
Critical Areas Permit					Decisions on Critical Areas Permits are made by same authority as underlying

					development application – see 15.02.100
Critical Areas Reasonable Use Exception				X	15.02.180
Shoreline Master Program Permit		X			15.08
SEPA Review		X			15.04

16.03.060 – Completeness Determination

1. Within twenty-eight (28) calendar days after receiving a project permit application, the City shall mail or provide in person a written determination to the applicant, stating either:

- a. That the application is complete; or
- b. That the application is incomplete and what is necessary to make the application complete.

(1) The statement shall specify a date by which the required missing information must be provided to restart the completeness determination review process.

(2) The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, is recommended to address other issues that are or may be relevant to the review.

To the extent known by the City, it shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application. Completeness determination shall be considered a Type I process.

2. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference, if applicable. If submittal requirements are not specified in the applicable Code Sections the application is fully complete if it includes the following:

- a. A completed, clearly legible, original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application;
- b. A legal description supplied by the Cowlitz County Auditor's Records division, a title company, surveyor licensed in the State of Washington, or other party approved by the review authority;
- c. Current Cowlitz County assessor map showing the property(ies) subject to the application and properties within a three hundred (300) foot radius of the subject site, along with a typed list and set of self-adhesive labels of the names and addresses of owners of all properties within that radius, as obtained by current Cowlitz County assessor records;
- d. The SEPA checklist, if required by Title 15, Environment;
- e. The applicable fee(s) adopted by Council for the application(s) in question;

- f. An application shall include all of the information listed as application requirements in the relevant sections of this Code.
 - g. The responsible official may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors.
- 3. If the responsible official decides an application is fully complete, then the responsible official shall begin processing the application pursuant to Section 16.03.100.
 - 4. A fully complete determination shall not preclude the City from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposed action occur.
 - 5. If the required information is not submitted by the date specified and the responsible official has not extended that date, within seven (7) calendar days after that date the responsible official shall take the action in Sections b. or c. below. If the required information is submitted by the date specified, then within fourteen (14) calendar days the responsible official shall decide whether the application is fully complete and, if not, the responsible official shall:
 - a. Reject and return the application and scheduled fees, and send to the applicant a written statement which lists the remaining additional information needed to make the application fully complete; or
 - b. Issue a decision denying the application, based on a lack of information; or
 - c. The responsible official may allow the applicant to restart the completeness determination review process a second time by providing the required missing information by a date specified by the responsible official, in which case the responsible official shall retain the application and fee pending expiration of that date or a fully complete review of the application as amended by that date.

If the responsible official decides an application is fully complete, then the responsible official shall begin processing the application pursuant to Section 16.03.050

16.03.070 – Noticing Requirements

- 1. Notice of Application – General.
 - a. The City shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this Chapter. If the City has made a determination of significance under RCW Chapter 43.21C concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application; and
 - b. The notice of application shall be provided within fourteen (14) calendar days of the determination of completeness as provided by Section 16.03.060, and at least fifteen (15) calendar days prior to a public hearing or administrative decision.
 - c. A notice of application shall not be required for project permits that are categorically exempt under RCW Chapter 43.21C, unless a public comment period or an open record pre-decision hearing is otherwise required by other provisions of Titles 15, 16, or 17.

- 2. Notice of Application – Required Information.

The notice of application shall include the following:

- a. The date of application, the date of the notice of completion for the application and the date of the notice of application;

- b. The name of the applicant;
- c. A map showing the subject property in relation to other properties;
- d. A description of the site, including current zoning, vicinity map, and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
- e. A description of the proposed project action, the case file number(s), and a list of the project permits included in the application and, if applicable, a site plan and list of any studies required for approval;
- f. The identification of other permits not included in the application to the extent known;
- g. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document provide the notice of application, the location where the application and any studies can be reviewed;
- h. The place, days and times where information about the application may be examined and the name and telephone number of the City representative to contact about the application;
- i. A statement of the public comment period, which shall not be less than fourteen (14) nor more than thirty (30) calendar days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments may be accepted at any time, prior to the close of the public comment period;
- j. The date, time and place of any type of hearing, if applicable, and scheduled at the date of notice of the application;
- k. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and consistency; and
- l. A statement that the hearing may be continued without further publication if the date, time, and place of the continued hearing is announced at the hearing for which notice has been published.

3. Notice of Public Hearing.

a. The City shall use reasonable methods to give notice of public hearing to the public and agencies with jurisdiction. The City shall, at a minimum, implement the methods provided for in Subsections d.1. through d.3. of this Section at least fifteen (15) calendar days prior to a public hearing:

(1) For site-specific proposals, posting a "notice of pending land use action" sign at the perimeter of the subject property within five (5) feet of all abutting street frontage. Signs must be visible by motorists and pedestrians; where necessary for visibility, multiple copies of signs should be installed. Additionally, sites with frontage on private streets require a sign at each site frontage on any private street and at each intersection of a public street and the site's private street or private street network. The signs shall measure at least eighteen (18) inches by twenty-four (24) inches, shall be made of weather-resistant material, and shall include the heading "NOTICE OF PENDING LAND USE ACTION" printed in minimum two-inch high all-capital letters. The notice signs shall include the following information with printing no smaller than three-quarters of an inch high (measured at capital letters):

- i. Project location (or street address if assigned);
- ii. Project description;
- iii. Land use approvals requested;
- iv. Comment period dates and instructions for submitting comments, including the receiving address and reference information, such as a case file number; and
- v. Location/address where the complete application may be viewed.

(2) Publishing notice on the City website and in a newspaper of general circulation in the general area where the proposal is located. At a minimum, the notice shall include the information contained in Section 16.03.070, except the newspaper notice may exclude maps and site plans;

(3) Mailing copies of the notice of application to the applicant and to all adjacent landowners. For the purposes of this Section, adjacent landowners are the owners of real property, as shown by the records of the County Assessor, located within three hundred (300) feet of any portion of the boundary of the subject property. If the applicant owns property adjoining the property that is the subject of the application, then notice shall be mailed to owners of property within a three hundred (300) foot radius of the edge of the property owned by the applicant adjoining and contiguous to the property that is the subject of the application;

(4) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(5) Notifying the news media;

(6) Placing notices in regional or neighborhood newspapers or trade journals; and

(7) Publishing a notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas.

b. The City may combine any hearing on a project permit with any hearing that may be held by another local, state, regional federal or other agency; provided that the hearing is held within the geographic boundary of the City. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held with the time periods specified for the application type or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.

4. Notice for Environmental Review

a. The City shall integrate the permit procedures in this Section with environmental review under RCW Chapter 43.21C as follows:

(1) Except for a determination of significance, it may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(2) If an open record pre-decision hearing is required and the threshold determination requires public notice under RCW Chapter 43.21C, the City shall issue its threshold determination at least fifteen (15) calendar days prior to the open record pre-decision hearing.

(3) Comments shall be as specific as possible.

5. Notice of decision—Distribution.

A. The city shall provide a notice of decision, which shall include:

1. A description of the decision or actions taken;

2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;

3. If a SEPA threshold determination has not been issued previously, the notice of decision shall state this determination;

4. A description of applicable appeal procedures; and

5. The place, days, and times where the case file is available for review at city hall.

B. The notice shall be provided to the applicant and to any interested party who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

C. The notice shall not be issued until the expiration of the comment period on the notice of application.

16.03.080 – Appeals

1. Any party with standing, as defined in this Section may appeal any orders, recommendations, permits, decisions, rulings or determinations made by a City Code official in the administration or enforcement of provisions of the Uniform Building Code or the Kalama Zoning Code, or any ordinances adopted pursuant thereto, which are adverse to their interest, by filing with the clerk-treasurer, within fourteen (14) calendar days from such ruling or date of action, a written notice of appeal. Appeal hearings shall be scheduled with the applicable appeal body pursuant to Subsections 3. and 4.
2. Standing to bring a development action petition under this chapter is limited to the following persons:
 - a. The applicant and the owner of property to which the development action is directed;
 - b. Another person aggrieved or adversely affected by the development action, or who would be aggrieved or adversely affected by a reversal or modification of the development action. A person is aggrieved or adversely affected within the meaning of this Section only when all of the following conditions are present:
 - (1) The development action decision has prejudiced or is likely to prejudice that person;
 - (2) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the development action decision;
 - (3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the development action; and
 - (4) The petitioner has exhausted their administrative remedies to the extent required by law.
 - c. The City of Kalama or its designees.
3. If provided for, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen (14) calendar days after the notice of the decision or after other notice that the decision has been made and is applicable. The City shall extend the appeal period for an additional seven (7) calendar days, if state or local rules adopted pursuant to RCW Chapter 43.21C allow public comment on a determination of non-significance issued as part of the appealable project decision.
4. The appeal shall contain the following information:
 - a. The case number designated by the City and the name of the applicant;
 - b. The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner is entitled to file the appeal under Subsection 1. of this Section. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the city administrator or designee. All contact with the city administrator regarding the appeal, including notice, shall be with the contact representative; and
 - c. The specific aspect(s) of the decision or determination being appealed, the specific reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.
 - d. The appeal fee as established by resolution of city council.
4. For Type I, II and III processes a Type III review shall be used. The hearings examiner shall be the appeal authority for appeals of these decisions. Appeals of a Hearings Examiner's decision shall be a type IV process with City Council as the appeal authority.
5. For those cases where no appeal body or board is specified in the KMC, the City Council shall be the appeal body through a Type IV process. Upon hearing, the council shall have the power to overrule or alter the ruling of

any city code official, or to refer any matter back to the city code official for restudy or reconsideration. The action of the City Council shall be final and binding unless appealed pursuant to the provisions of RCW 35A.63.110 and state law.

6. Following submittal of the appeal, the clerk-treasurer, shall transmit to the appeal authority all papers constituting a record upon which the action appealed from was taken; in addition thereto, the appeal authority may, at its hearing, receive such additional evidence as it deems relevant.

16.030.100 Type I, II, III and IV Processes

16.03.100.10 – Type I Process – Administrative Decisions

A. Completeness Determination.

Upon receipt of a Type I application the City shall review the submittal for completeness in accordance with the completeness determination procedures of Section 16.03.060.

B. Procedure.

1. The responsible official shall approve, approve with conditions, or deny the application within sixty-five (65) calendar days after the date the application was accepted as fully complete. An applicant may request in writing to extend the time in which the responsible official shall issue a decision, provided the county receives the request within the twenty-one (21) day period. If the responsible official grants such a request, the responsible official may consider new evidence the applicant introduces with or subsequent to the request.

2. Final Decision.

a. Except as otherwise provided in Subsection b. of this Section, below, the City shall issue its notice of final decision on a project permit application within sixty-five (65) calendar days after the City notifies the applicant that the application is complete. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete, the following periods shall be excluded:

(1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of the date the City determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided;

(2) If the City determines that the information submitted by the applicant under (1) of this Subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (1) of this subsection shall apply as if a new request for studies had been made;

(3) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW Chapter 43.21C. Time periods for completion of environmental impact statements shall be as provided by ordinance or if the City and the applicant in writing agree to a time period for completion of an environmental impact statement;

(4) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period shall not exceed:

i. Ninety (90) calendar days for an open record appeal hearing; and

ii. Sixty (60) calendar days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

(5) Any extension of time mutually agreed upon by the applicant and the City.

b. The time limits established by Subsection a. of this Section, above, do not apply if a project permit application:

- (1) Requires an amendment to the comprehensive plan, zoning ordinance or a development regulation;
- (2) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
- (3) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.

c. If the City is unable to issue its final decision within the time limits provided for in this Section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

C. Vesting.

1. Type I applications shall be considered under the land development regulations in effect at the time a fully complete application for preliminary approval is filed.

2. Additional rules apply to nonconforming uses under Chapter 17.48.

D. Appeals.

1. A final decision regarding an application subject to a Type I procedure may be appealed by any party with standing in accordance with the procedures of Section 16.03.080.

16.03.110.20 – Type II Process – Administrative Decisions with Public Notice

A. Pre-Application Conference.

1. Purpose.

a. The purpose of a pre-application conference is to acquaint the applicant with the substantive and procedural requirements of this Code, to discuss the principal elements of the proposed action, and to identify opportunities and constraints associated with a proposed project. The pre-application conference shall include a discussion between City staff and the applicant.

2. Pre-application review is required for all Type II applications, with the following exceptions:

a. The application is for one (1) of the following use classifications:

- (1) Chapter 16.15, short subdivisions;
- (2) SEPA review for projects that are not otherwise Type II reviews; or

b. The applicant applies for and is granted a pre-application waiver from the responsible official. The form shall state that waiver of pre-application review increases the risk the application will be rejected or processing will be delayed. Pre-application review generally should be waived by the responsible official only if the application is relatively simple. The administrative decision regarding a pre-application waiver can be appealed as a Type I administrative decision.

3. To initiate a pre-application conference, an applicant shall submit a completed form provided by the responsible official for that purpose and all information required by the relevant section(s) of this Code. The applicant shall provide the required number of copies of all information as determined by the responsible official.

4. Submittal requirements: Pre-application submittals shall include the following:

a. A preliminary project description generally describing the project and an overview of how the project can comply with applicable standards.

b. A preliminary plan which should include:

(1) Scale and sheet appropriate for the size of the project to provide sufficient detail to demonstrate compliance with applicable requirements. If a large format or nonstandard sheet size is used, additional copies may be required by the City;

(2) Boundaries of proposed site;

(3) Vicinity map;

(4) Existing streets, right-of-way widths, and pavement widths;

(5) Location and size of existing and proposed utility lines, easements, and setbacks;

(6) Existing natural features (e.g., mature vegetation, rock outcroppings, and drainage ways);

(7) Proposed building footprints or building envelopes if specific building footprints have not yet been established;

(8) Preliminary grading, indicated by proposed and existing topographic contours;

(9) Preliminary circulation and access plans showing all pedestrian and vehicular circulation;

(10) The preliminary location of all parking areas and stalls with associated landscape areas;

(11) Required landscape setbacks, buffer areas and materials and streetscapes; and

(12) Surrounding land uses, including all major features of surrounding properties, including all streets, access points to the site, and adjacent properties and ownership. Illustrate either the compatible integration of project with the neighboring land use, and/or the buffers that are proposed.

c. Estimate of square feet of increase or modification in impervious surface area, cubic yards of cut and fill, and depths of proposed filling operations.

d. Proposed development schedule.

e. Payment of the review fee as listed in the City's fee schedule.

B. Completeness Determination.

Upon receipt of a Type II application the City shall review the submittal for completeness in accordance with the completeness determination procedures of Section 16.03.060.

C. Procedure.

1. Notice of Application.

a. The City shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in Section 16.03.070. If the City has made a determination of significance under RCW Chapter 43.21C concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this Chapter prevents a determination of significance and scoping notice from being issued prior to the notice of application.

2. Application Review.

a. In approving an application, conditions of approval may be imposed as necessary to protect the public interest, to achieve compliance with this code, or to mitigate adverse impacts resulting from proposed development. These conditions and safeguards may include, but are not limited to, the following:

- (1) Measures identified during the environmental review process;
- (2) Measures necessary to comply with the provisions of the Kalama Comprehensive Plan;
- (3) Measures necessary to comply with provisions of this code; and/or
- (4) Measures necessary to ensure compatibility of the proposed development activity with neighboring land uses, and consistency with the intent and character of the zoning district. These may include, but are not limited to:
 - i. Increasing the required lot size, setback, or yard dimensions;
 - ii. Controlling the number and location of vehicular access points;
 - iii. Requiring the dedication of additional rights-of-way for future public street improvements identified in an adopted transportation plan;
 - iv. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location or screening of a parking area;
 - v. Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties; or
 - vi. Limiting hours and size of operation.

b. The City may deny an application based on finding that:

- (1) Information required by the City in order to complete the processing was not provided in accordance with the provisions of this Title; or
- (2) The proposed action does not comply with the provisions of this Code.

3. Final Decision.

a. Not more than one-hundred (100) calendar days after the date an application is determined fully complete, the responsible official shall issue a written administrative decision regarding the application(s); provided:

- (1) If a determination of significance (DS) is issued, then the responsible official shall issue an administrative decision not sooner than seven (7) calendar days after a final environmental impact statement is issued.
- (2) An applicant may request in writing to extend the time in which the responsible official shall issue an administrative decision. If the responsible official grants such a request, the responsible official may consider new evidence the applicant introduces with or subsequent to the request.

b. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete, the following periods shall be excluded:

- (1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of the date the city determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided; and
- (2) If the City determines that the information submitted by the applicant under a.(1) of this Subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under a.(1) of this Subsection shall apply as if a new request for studies had been made;

(3) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW Chapter 43.21C. Time periods for completion of environmental impact statements shall be as provided by ordinance or if the city and the applicant in writing agree to a time period for completion of an environmental impact statement;

(4) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period shall not exceed:

- i. Ninety (90) calendar days for an open record appeal hearing; and
- ii. Sixty (60) calendar days for a closed record appeal.

The parties to an appeal may agree to extend these time periods; and

(5) Any extension of time mutually agreed upon by the applicant and the City.

c. The time limits established by Subsection a. of this Section do not apply if a project permit application:

- (1) Requires an amendment to the Comprehensive Plan, zoning ordinance or a development regulation;
- (2) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
- (3) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.

d. If the City is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

e. The final decision on a complete application shall contain the following information:

- (1) A statement of the applicable criteria and standards pursuant to this Code and other applicable law;
- (2) A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;
- (3) The reasons for a conclusion to approve, approve with conditions, or deny the application;
- (4) The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law; and
- (5) The date the final decision is signed and the date the appeal period expires.

f. The standard delivery method of final decisions shall be via email and mail, addressed to the applicant using information provided on each project's respective application form, unless otherwise specified by the applicant. If an alternative method of delivery is requested by the applicant additional charges and timelines for delivery may apply.

G. Vesting.

1. Type II applications shall be considered under the development regulations in effect at the time a fully complete application for preliminary approval is filed.

2. Additional rules apply to nonconforming uses under Chapter 17.48.

H. Appeals.

1. A final decision regarding an application subject to a Type II procedure may be appealed by any party with standing in accordance with the procedures of Section 16.03.080.

16.03.120.30 – Type III Process – Quasi-Judicial Decisions

A. Pre-Application Conference.

1. Purpose.

- a. The purpose of a pre-application conference is to acquaint the applicant with the substantive and procedural requirements of this Code, to discuss the principal elements of the proposed action, and to identify opportunities and constraints associated with a proposed project. The pre-application conference shall include a discussion between City staff and the applicant.

2. Pre-application review is required for all Type III applications, with the following exceptions:

- a. The application is for a post-decision review; or

- b. The applicant applies for and is granted a pre-application waiver from the responsible official. The form shall state that waiver of pre-application review increases the risk the application will be rejected or processing will be delayed. Pre-application review generally should be waived by the responsible official only if the application is relatively simple. The administrative decision regarding a pre-application waiver can be appealed as a Type I administrative decision.

3. To initiate a pre-application conference, an applicant shall submit a completed form provided by the responsible official for that purpose and all information required by the relevant section(s) of this Code. The applicant shall provide the required number of copies of all information as determined by the responsible official.

4. Submittal requirements: Pre-application submittals shall include the following:

- a. A preliminary project description generally describing the project and an overview of how the project can comply with applicable standards.

- b. A preliminary plan which should include:

- (1) Scale and sheet appropriate for the size of the project to provide sufficient detail to demonstrate compliance with applicable requirements. If a large format or nonstandard sheet size is used, additional copies may be required by the City;

- (2) Boundaries of proposed site;

- (3) Vicinity map;

- (4) Existing streets, right-of-way widths, and pavement widths;

- (5) Location and size of existing and proposed utility lines, easements, and setbacks;

- (6) Existing natural features (e.g., mature vegetation, rock outcroppings, and drainage ways);

- (7) Proposed building footprints or building envelopes if specific building footprints have not yet been established;

- (8) Preliminary grading, indicated by proposed and existing topographic contours;

- (9) Preliminary circulation and access plans showing all pedestrian and vehicular circulation;

- (10) The preliminary location of all parking areas and stalls with associated landscape areas;

- (11) Required landscape setbacks, buffer areas and materials and streetscapes; and
- (12) Surrounding land uses, including all major features of surrounding properties, including all streets, access points to the site, and adjacent properties and ownership. Illustrate either the compatible integration of project with the neighboring land use, and/or the buffers that are proposed.
- c. Estimate of square feet of increase or modification in impervious surface area, cubic yards of cut and fill, and depths of proposed filling operations.
- d. Proposed development schedule.
- e. Payment of the review fee as listed in the City's fee schedule.

B. Completeness Determination.

Upon receipt of a Type III application the City shall review the submittal for completeness in accordance with the completeness determination procedures of Section 16.03.060.

C. Procedure.

1. Notice of Application and Public Hearing.

- a. The City shall provide a notice of application and public hearing to the public and the departments and agencies with jurisdiction as provided in Section 16.03.070.

2. Application Review.

- a. At least seven (7) calendar days before the date of the hearing for an application(s), the responsible official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall send a copy of the staff report and recommendation to the hearing examiner and to the applicant and applicant's representative. The responsible official shall send or provide a copy of the staff report at reasonable charge to other parties who request it.

- b. Prior to rendering a decision on any application, the hearing examiner shall hold an open record hearing on the application(s). Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing examiner, as specified in Chapter 2.34, except to the extent waived by the hearing examiner.

- c. A public hearing may be continued at the discretion of the review authority; provided all interested parties present are given the opportunity to testify prior to the continuance.

- d. Within fourteen (14) calendar days of the conclusion of a hearing, unless a longer period is agreed to in writing by the applicant, the review authority shall render a written decision which shall include at least the following:

- (1) Findings based upon the records and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision will carry out and conform to the City's Comprehensive Plan, other official policies and objectives, and land use regulatory enactments;
- (2) A decision on the application which may be to grant, deny, or grant with conditions, limitations, modifications, and restrictions as the review authority finds necessary to make the application compatible with its environment, the city's comprehensive plan, other official policies and objectives and land use regulatory enactments;
- (3) A statement that the decision will become final in fourteen (14) calendar days unless appealed to the Cowlitz County Superior Court. See Section 2.34.150.

3. Final Decision.

- a. Not more than one-hundred-seventy (170) calendar days after the date an application is determined fully complete, the hearing examiner shall issue a written examiner's decision regarding the application(s); provided:

(1) If a determination of significance (DS) pursuant to Chapter 15.04 is issued, then the hearing examiner shall issue an examiner's decision not sooner than seven (7) calendar days after a final environmental impact statement is issued.

(2) An applicant may agree in writing to extend the time in which the hearing examiner shall issue an examiner's decision. If the hearing examiner grants such a request, the hearing examiner may consider new evidence the applicant introduces with or subsequent to the request. New evidence may not be considered unless the time extension would allow for public review and response to the new evidence.

b. In determining the number of days that have elapsed after the City has notified the applicant that the application is fully complete, the following periods shall be excluded:

(1) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The responsible official shall specify a time period based on the complexity of the required information in which the required information must be submitted. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the county determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided to the City.

(2) If the City determines that the information submitted by the applicant under (1) above is insufficient, it shall notify the applicant of the deficiencies and the procedures shall apply as if a new request for studies had been made.

(3) Any period of time during which an environmental impact statement (EIS) is being prepared; provided, that the maximum time allowed to prepare an EIS shall not exceed one (1) year from the issuance of the determination of significance unless the responsible official and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one (1) year period unless the responsible official determines that delay in completion is due to factors beyond the control of the applicant.

c. No later than seven (7) calendar days following the rendering of a written final decision, copies of that decision shall distributed to the applicant, the director of public works, the building official, and to other parties of record in the case. The standard delivery method of final decisions shall be via email and mail, addressed to the applicant using information provided on each project's respective application form, unless otherwise specified by the applicant. If an alternative method of delivery is requested by the applicant additional charges and timelines for delivery may apply.

d. If the City is unable to issue its final decision within the time limits provided for in this Section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

D. Vesting.

Type III applications shall be considered under the land development regulations in effect at the time a fully complete application for preliminary approval is filed. An application which requires modification to be complete shall not be vested.

E. Burden of Proof.

Except for SEPA appeals which are governed by RCW 43.21C.075, the applicant shall have the burden of proving by substantial evidence compliance with applicable approval standards. Where evidence is conflicting, the examiner shall decide an issue based upon the preponderance of the evidence.

F. Appeals.

1. Appeals shall be subject to the procedures in section 16.03.080

2. Until final determination of any review by the superior court is returned to the hearing examiner, all activities relating to the matter under appeal shall halt. No use, building or occupancy permits shall be issued until such determination is returned. Any permits issued must be in accordance with the decision of the court.

16.03.130.40 - Type IV Process – Legislative Decisions

A. Pre-Application Conference.

1. Purpose.

a. The purpose of a pre-application conference is to acquaint the applicant with the substantive and procedural requirements of this Code, to discuss the principal elements of the proposed action, and to identify opportunities and constraints associated with a proposed project. The pre-application conference shall include a discussion between City staff and the applicant.

2. Pre-application review is required for all Type IV applications, with the following exceptions:

a. The applicant applies for and is granted a pre-application waiver from the responsible official. The form shall state that waiver of pre-application review increases the risk the application will be rejected or processing will be delayed. Pre-application review generally should be waived by the responsible official only if the application is relatively simple. The administrative decision regarding a pre-application waiver can be appealed as a Type I administrative decision.

3. To initiate a pre-application conference, an applicant shall submit a completed form provided by the responsible official for that purpose and all information required by the relevant Section(s) of this Code. The applicant shall provide the required number of copies of all information as determined by the responsible official.

4. Submittal requirements: Pre-application submittals shall include the following:

a. A preliminary project description generally describing the project and an overview of how the project can comply with applicable standards.

b. A preliminary plan which should include:

(1) Scale and sheet appropriate for the size of the project to provide sufficient detail to demonstrate compliance with applicable requirements. If a large format or nonstandard sheet size is used, additional copies may be required by the City;

(2) Boundaries of proposed site;

(3) Vicinity map;

(4) Existing streets, right-of-way widths, and pavement widths;

(5) Location and size of existing and proposed utility lines, easements, and setbacks;

(6) Existing natural features (e.g., mature vegetation, rock outcroppings, and drainage ways);

(7) Proposed building footprints or building envelopes if specific building footprints have not yet been established;

(8) Preliminary grading, indicated by proposed and existing topographic contours;

(9) Preliminary circulation and access plans showing all pedestrian and vehicular circulation;

(10) The preliminary location of all parking areas and stalls with associated landscape areas;

- (11) Required landscape setbacks, buffer areas and materials and streetscapes; and
- (12) Surrounding land uses, including all major features of surrounding properties, including all streets, access points to the site, and adjacent properties and ownership. Illustrate either the compatible integration of project with the neighboring land use, and/or the buffers that are proposed.
- c. Estimate of square feet of increase or modification in impervious surface area, cubic yards of cut and fill, and depths of proposed filling operations.
- d. Proposed development schedule.
- e. Payment of the review fee as listed in the City's fee schedule.

B. Completeness Determination.

Upon receipt of a Type IV application the City shall review the submittal for completeness in accordance with the completeness determination procedures of Section 16.03.060.

C. Procedure.

1. Notice of Planning Commission Public Hearing.

- a. The City shall provide a notice of application and public hearing to the public and the departments and agencies with jurisdiction as provided in Section 16.03.070.

2. Planning Commission Review.

- a. Within seven (7) calendar days of the City issuing a determination of completeness for an application, the applicant shall submit one (1) paper copy and one electronic copy, in PDF format, of the complete application materials to the Planning Commission secretary for distribution to the members of the Planning Commission and city clerk prior to the public hearing.
- b. Upon receipt of the additional copies, the Planning Commission secretary shall schedule a public hearing with the Planning Commission at their next available regularly scheduled meeting, provided there is sufficient capacity on the meeting agenda to provide adequate discussion and review and public notice in accordance with the noticing requirements of 16.03.070
- c. At least seven (7) calendar days before the date of the hearing for an application(s), the responsible official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall send a copy of the staff report and recommendation to the Planning Commission and to the applicant and applicant's representative. The responsible official shall send or provide a copy of the staff report at reasonable charge to other parties who request it.
- d. Prior to rendering a decision on any application, the Planning Commission shall hold an open record hearing on the application(s). Public hearings shall be conducted in accordance with the rules of procedure as Specified in Chapter 2.44.
- e. At the conclusion of the public hearing and any deliberation by Planning Commission, the Planning Commission may choose to accept, reject or modify the findings and recommended conditions of approval, if any, in the staff report by a simple majority vote. Within fourteen (14) calendar days of the conclusion of a hearing, unless a longer period is agreed to in writing by the applicant, the Planning Commission Secretary shall render a written decision which shall include at least the following:

- (1) Final findings and conditions based upon the staff report and recommendation, records from the public hearing, and conclusions decided at the planning commission hearing. Such findings and conclusions shall include any modifications to the staff report and recommendation as decided by the Planning Commission at the public hearing;

(2) A decision on the application which may be to grant, deny, or grant with additional conditions, limitations, modifications, and restrictions as the Planning Commission finds necessary to make the application compatible with its environment, the City's Comprehensive Plan, zoning code, and other official policies and objectives and land use regulatory enactments;

(3) A statement that the decision will become final fourteen (14) calendar days from the date of mailing or delivering the final decision to the applicant unless the decision is to be recommended to the City Council, or is appealed to the City Council.

f. No later than seven (7) calendar days following the rendering of a written decision, copies of that decision shall be mailed or personally delivered to the applicant, the director of public works, the building official, and to other parties of record in the case. "Parties of record" shall include the applicant and all other persons who specifically request notice of the decision by signing a register provided for such purpose at the public hearing.

g. If the application requires final review by the City Council, the Planning Commission's recommendation shall be based on all applicable review criteria and shall include written findings of fact and conclusions. The Planning Commission's written recommendation shall be forwarded to the City Council within fourteen (14) calendar days after the Planning Commission's vote to either recommend approval, denial, or approval with conditions.

h. A public hearing may be continued at the discretion of the Planning Commission.

3. City Council Review.

a. Upon receipt of the Planning Commission recommendation, the City Council shall, at a regularly scheduled meeting, provided there is sufficient capacity on the meeting agenda to provide adequate discussion and review, make a decision to accept or reject the Planning Recommendation.

b. After consideration of the record, the City Council shall act on the application by approving, denying, or approving it with conditions, and shall approve written findings of fact and conclusions, which shall become the City's final decision on the application.

D. Final Decision.

1. For projects requiring an open-record public hearing, the final decision shall be issued not more than one-hundred-seventy (170) calendar days after the date an application is determined to be fully complete, provided:

a. If a determination of significance (DS) pursuant to Chapter 15.04 is issued, then the City shall issue a decision not sooner than seven (7) calendar days after a final environmental impact statement is issued.

b. An applicant may agree in writing to extend the time in which the City shall issue a final decision. If the City grants such a request, the City may consider new evidence the applicant introduces with or subsequent to the request. New evidence may not be considered unless the time extension would allow for public review and response to the new evidence.

c. In determining the number of days that have elapsed after the City has notified the applicant that the application is fully complete, the following periods shall be excluded:

(1) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The responsible official shall specify a time period based on the complexity of the required information in which the required information must be submitted. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the county determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided to the City.

(2) If the City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures under Section 16.03.060 shall apply as if a new request for studies had been made.

(3) Any period of time during which an environmental impact statement (EIS) is being prepared; provided, that the maximum time allowed to prepare an EIS shall not exceed one (1) year from the issuance of the determination of significance unless the responsible official and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one (1) year period unless the responsible official determines that delay in completion is due to factors beyond the control of the applicant.

d. No later than seven (7) calendar days following the rendering of a written decision, copies of that decision shall be distributed to the applicant, the director of public works, the building official, and to other parties of record in the case. The standard delivery method of final decisions shall be via email and mail, addressed to the applicant using information provided on each project's respective application form, unless otherwise specified by the applicant. If an alternative method of delivery is requested by the applicant additional charges and timelines for delivery may apply.

e. If the City is unable to issue its final decision within the time limits provided for in this Section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

E. Vesting.

1. Type IV applications shall be considered under the land development regulations in effect at the time a fully complete application for preliminary approval is filed. An application which requires modification to be complete shall not be vested.

F. Burden of Proof.

1. Except for SEPA appeals which are governed by RCW 43.21C.075, the applicant shall have the burden of proving by substantial evidence compliance with applicable approval standards. Where evidence is conflicting, the examiner shall decide an issue based upon the preponderance of the evidence.

G. Appeals

1. Appeals from the Planning Commission's Decision shall be processed according to section 16.03.080.
2. Appeals from the City Council's Decision shall be processed according to RCW 36.70C.

Chapter 16.04 - Classification of Review Type

16.04.010 – Purpose

In the event this Code does not expressly provide for review using one (1) of the four (4) types of procedures as defined in KMC Chapter 16.03.100, and another specific procedure is not required by law, a Classification of Review Type may be requested.

16.04.020 Review Process

1. Upon request, the responsible official shall issue a formal written interpretation of a development regulation. A formal written interpretation shall be a Type I action pursuant to KMC Section 16.04.
2. If an application for an interpretation is associated with another application(s) subject to this title, then the application for the interpretation shall be combined with the associated application(s) and is subject to the same procedure type as the applications with which it is combined.

16.04.030 Submittal Requirements

In addition to the application requirements of KMC Chapter 16.03.100.10 applications for Similar Use Determination shall include the following:

1. A narrative that addresses the relevant criteria applicable to the request in sufficient detail for review and action.

16.04.040 Review Criteria

The responsible official shall consider the following guidelines when classifying the procedure type for an application:

1. A Type I process involves an application that is subject to clear, objective and nondiscretionary standards or standards that require the exercise of professional judgment about technical issues, and that is exempt from SEPA review. The responsible official is the review authority for Type I decisions.
2. A Type II process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. The responsible official is the review authority for Type II decisions.
3. A Type III process involves an application that is subject to standards that require the exercise of substantial discretion and about which there may be a broad public interest. The hearing examiner is the review authority for Type III decisions.
4. A Type IV process involves an application that is subject to standards requiring the exercise of substantial discretion by one or both of the City's public review boards. The Type IV process also involves the creation, implementation, or amendment of policy or law by ordinance. The Planning Commission and City Council are the review authorities for Type IV decisions.

Chapter 16.05 – Clarification of Title

16.05.010- Purpose & Summary

The purpose of this Section is to implement the standards of KMC Chapter 17.12.030 – Interpretation of Title.

16.05.020 – Review Process

1. Clarification of Title applications shall be subject to the provisions of KMC Chapter 17.12.030.
2. Clarification of Title applications shall be reviewed as Type I applications pursuant to 16.03.100.10.

16.05.030 -- Submittal Requirements.

In addition to the application requirements of KMC Chapter 16.03.100.1 applications for Clarification of Title shall include the following:

1. Narrative that addresses the relevant criteria applicable to the request in sufficient detail for review and action.

16.05.040 -- Review Criteria.

The criteria in section 17.12.030 shall be used to evaluate requests for clarification along with guidance from the purpose and intent of the code section and the adopted City of Kalama Comprehensive Plan.

16.05.050 -- Appeals

Appeals shall be processed according to section 16.03.080.

Chapter 16.06 – Similar Use Determination

16.06.010 – Purpose & Summary

The purpose of this Section is to implement the standards of KMC Chapter 17.60.030 – Similar Use Criteria.

16.06.020 – Review Process

1. Similar Use Determination applications shall be subject to the provisions of KMC Chapter 17.60.030.
2. Applications for Similar Use Determinations shall be reviewed as Type I applications pursuant to 16.03.100.10.
3. The city administrator's decision to include the use as a similar use shall result in the use being permitted in the zoning district. A decision to disallow a use as similar shall result in the use being prohibited in the zoning district. A decision to allow the use as a conditionally similar use shall result in the use being a conditional use in the zoning district.
4. The final decision on an administrative review application shall contain the following information:
 - a. A statement of the applicable criteria and standards pursuant to this code and other applicable law;
 - b. A statement of the facts demonstrating how the use was considered consistent, inconsistent, or conditionally consistent;
 - c. The date the final decision is signed and the date the appeal period expires.

16.06.030 – Submittal Requirements

In addition to the application requirements of KMC Chapter 16.03.100.10 applications for Similar Use Determination shall include the following:

1. Narrative that addresses the relevant criteria in 17.60.030 applicable to the request in sufficient detail for review and action.

16.06.040- Review Criteria

In determining similarity, the City Administrator shall make all of the following findings:

1. The proposed use shall substantially meet the intent of and be consistent with the goals, objectives and policies of the comprehensive plan; and
2. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located; and
3. The proposed use shall not adversely impact the public health, safety and general welfare of the residents of the city; and
4. The proposed use shall possess similar characteristics or performance standards common with and not be of greater intensity, density or generate more environmental impact than those uses listed in the uses permitted in the zone in which it is to be located.

16.06.050 -- Appeals

Appeals shall be processed according to section 16.03.080.

Chapter 16.07 – Conditional Use Permits

16.07.010 – Purpose & Summary

It is recognized that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. These uses are called conditional uses. It is the intent and policy of the city that such uses be dealt with in such a way that shall not allow a deterioration of the intent of the district in which the application is intended nor shall there be a grant of any special privilege not available to other properties of the same district.

16.07.020 – Review Process

Applications for Conditional Use Permits shall be reviewed as Type III applications pursuant to KMC Chapter 16.03.120.30

16.07.030 – Submittal Requirements

In addition to the application requirements of KMC Chapter 16.03.120.03 applications for Conditional Use Permits shall include the following:

1. Only a property owner or his designee may file an application for a conditional use permit.
2. A site plan showing the existing property and surrounding area land uses and the uses that the applicant proposes for the subject property.
3. Narrative that addresses the relevant criteria applicable to the request in sufficient detail for review and action.

16.07.040 – Conditional Uses and Height

Where it can be demonstrated that for reasons of topography, operational and service delivery requirements unique to the proposed use, and/or neighborhood compatibility, the conditional use process to allow the height of buildings or other structures associated with the following conditional uses to exceed the height limit set forth in the zoning district in which such uses are located; provided such height is consistent with the criteria contained in Subsection 16.07.040.

1. Schools, public or private.
2. Hospitals.
3. Places of worship, clubs, museums, galleries, lodges, fraternal institutions, and similar places of assembly not listed in Table 17.60.020.
4. Theaters, movies and performing arts, not including drive-ins.

16.07.050 – Review Criteria

1. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city. In making such a determination the examiner shall be guided by the following considerations and standards:

- a. The use applied is either listed in the conditional uses allowed in the district or significantly similar to one or more of the listed uses and does not expand any nonconforming use.

- b. That the use will not be detrimental to the character and use of adjoining buildings or those in the vicinity.
 - c. The use will not create a hazard in the immediate area either for the residences, people or vehicular traffic.
 - d. All required public facilities (i.e. water, sanitary sewer, drainage and streets) have adequate capacity to serve the proposed use.
 - e. Adequate ingress and egress will be available for fire and other emergency equipment.
 - f. Adequate off street parking will be provided to prevent congestion of public streets.
2. Reasonable conditions may be imposed to ensure that the use, if granted, will meet the criteria set forth above, limit the term of the use, and require such bonds or other security devices as may be reasonably necessary to ensure continued compliance with the conditions of the use permit. These conditions may include, but are not limited to, the following:
- a. Increased or reduced setbacks, lot size or lot dimensions.
 - b. Additional design features necessary to minimize impacts of the conditional use which could include landscaping, fencing, additional off-street parking etc.
 - c. Limitations on building height, lot coverage, signs, or lighting.
 - d. Restrictions on hours, days, place and manner of operations.
 - e. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

16.07.060 – Revocation of a Conditional Use Permit

The Kalama city council may revoke a conditional use permit upon receiving written findings outlining violations of a conditional use permit as issued by the hearing examiner. The city clerk-treasurer shall notify the original applicant of the city's intention to hold a public hearing for the purpose of revoking the conditional use permit for violations of standards and conditions imposed. The applicant shall be given full opportunity to show just cause of any violations or show city error in violation determination.

Chapter 16.08 – Site Plan Review

16.08.010 - Purpose

The purpose of the site plan review process is to carry out the Kalama comprehensive plan and to use urban land efficiently by implementing the development pattern established through the zoning map and development standards. The process affords applicants of projects over certain thresholds (identified in KMC Section 16.08.015) the ability to gain feedback on proposed developments and identify applicable land use and environmental regulations prior to seeking building permits.

16.08.015 – Applicability

1. Applicability. Site plan review is required for development which increases or alters new, replaced, or a combination of new and replaced impervious surface area by five thousand square feet or more; results in the removal or fill of five hundred cubic yards or more of material; or results in filling operations with a depth of more than four feet. These thresholds apply to both new development and expansions of existing development.

2. Exemptions. Projects consisting solely of activities in the following list are exempt from review under this chapter:

- a. Single-family dwelling and its accessory structures up to five thousand square feet of impervious surface;
- b. Single or groups of townhouses with a combined area of up to five thousand square feet of impervious surface;
- c. Duplex up to five thousand square feet of impervious surface;
- d. Triplex up to five thousand square feet of impervious surface;
- e. Fourplex up to five thousand square feet of impervious surface;
- f. Adult family home, as defined in KMC Section 17.08.025;
- g. Manufactured home, subject to KMC Section 17.18.070.L;
- h. Home occupation, as defined in KMC Section 17.08.180;
- i. Building permits for interior remodeling and tenant improvements, provided there is no change in use;
- j. Normal or emergency repair or maintenance, as defined in KMC Sections 17.08.307 and 17.08.2815, of public or private buildings, structures, landscaping or utilities;
- k. Activities that increase or alter fewer than five thousand square feet of new, replaced, or a combination of new and replaced impervious surface;
- l. Grading activities of no more than five hundred cubic yards of material for removal or fill in a twelve-month period;
- m. Grading activities that do not result in filling operations with a depth of more than four feet;
- n. On-site utility permits, e.g., sewer hook-ups, water hook-ups;
- o. Signs;
- p. Child day care facility operated in a family home (subject to the conditions set forth in KMC Sections 17.36.070 and 17.36.080), school, church, or community building;
- q. Municipal improvements, public utilities and utility structures per KMC Section 17.18.070.H;
- r. Agricultural practices, subject to compliance with KMC Chapter 17.21, Large Lot Estates;
- s. Home gardens and gardening of vacant land including community gardens;
- t. Keeping of animals or livestock for non-commercial purposes, subject to the provisions of KMC Section 6.04 – Animal Control Regulations;
- u. Land divisions;
- v. Boundary line adjustments;
- w. Development previously authorized as part of a master plan per the provisions of KMC Chapter 17.25, Mixed Use Zoning District; and
- x. Development previously authorized as part of a planned unit development per the provisions of Chapter 16.18, Planned Unit Developments.

2. Site plan review shall precede application for building permits.
3. Other approvals. Site plan review approval is separate from and does not replace other applicable permits (e.g. conditional use permit). Site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the city administrator.
4. Relationship to zoning. Nothing in this chapter shall relieve the applicant of the obligation to comply with the standards of the underlying zoning district or of any applicable overlay district. Where there is conflict between the provisions of this chapter and other provisions of this code, the more restrictive standard shall apply.

16.08.020 – Review Process

Applications for site plan review shall be reviewed as Type II applications pursuant to 16.03.110.020

16.08.030 – Submittal Requirements

1. In addition to the application requirements of KMC Section 16.03.110.020 applications for site plan review shall be reviewed as a Type II process and shall be accompanied by the submittal requirements for a TYPE II process and one original copy and one electronic copy of the following additional information:
 - a. Narrative describing the project and addressing approval criteria of KMC Section 16.08.040 and applicable development standards of KMC Title 17, Zoning and KMC Title 15, Environment;
 - b. Site plans as detailed in subsection 2.;
 - c. Quantification of square feet of increase or modification in impervious surface area, cubic yards of cut and fill, and depths of proposed filling operations;
 - d. Other architectural or engineering data which may be necessary to determine compliance with applicable regulations;
 - e. Traffic analysis may be required if the proposed use could generate more than ten pm peak hour trips or one hundred average daily trips;
 - f. Stormwater drainage report demonstrating how the proposed development will comply with the requirements of the City of Kalama Development Guidelines and Public Works Standards; and
 - g. Any additional information deemed necessary by the city administrator.
2. Site plan review applications shall contain complete site plans drawn to scale and produced in such a way as to clearly indicate compliance with all applicable zoning and site design standards, and shall include the following:
 - a. Dimensions, orientation, and size of the parcel(s);
 - b. The address and tax lot number(s) of the parcel(s);
 - c. Locations of existing and proposed buildings and structures, including setbacks;
 - d. Location and layout of off-street parking and loading facilities;
 - e. Curb cuts and internal pedestrian and vehicular circulation;
 - f. Location of walls and fences and an indication of their height and construction materials;
 - g. Existing and proposed exterior lighting;

- h. Location and size of exterior signs and outdoor advertising;
- i. General location and configuration of proposed landscaping, including plantings for revegetation and erosion control;
- j. General location and configuration of proposed open space and recreation areas;
- k. Contour lines illustrating existing topography at two-foot intervals;
- l. Proposed grading and drainage facilities and erosion control measures;
- m. Height, materials, and conceptual appearance of building facades for all buildings and structures;
- n. Indication of proposed use of all buildings;
- o. The location of critical areas as regulated by KMC Chapter 15.02, Critical Areas Protection; and
- p. The location and size of existing and proposed water, storm, and sanitary sewer lines and facilities.

16.08.040 – Review Criteria

1. Site plan review applications may be approved, or approved with conditions, when all of the following criteria are met:
 - a. The proposal is consistent with the applicable approval criteria and development regulations of KMC Title 17, Zoning and KMC Title 15, Environment;
 - b. The proposal is suitable for the site considering size, shape, location, topography, existence of improvements, natural features, and the intended development pattern of the surrounding properties;
 - c. If the proposal will result in additional traffic, the proposal demonstrates that adequate transportation systems, public facilities and services exist or are planned for the area affected by the use. The additional traffic must not diminish intersection level of service (LOS) below LOS D for signalized intersections or LOS E for unsignalized intersections;
 - d. The proposal complies with the site plan review procedural requirements; and
 - e. The proposal does not have significant adverse environmental impacts on-site or on adjacent properties that cannot be mitigated through conditions of approval applied through the environmental review processes of KMC Title 15, Environment.
2. Site plan applications must demonstrate how the applicant will comply with the City of Kalama Development Guidelines and Public Works Standards.
3. Failure to comply with required conditions within the expiration period shall render the site plan review approval null and void.
4. The city may initiate proceedings, consistent with the procedures provided in KMC Chapter 17.10, Enforcement, to revoke site plan approval for noncompliance with the requirements of the title or conditions of approval listed in the final decision approving the site plan.

16.09 – Variances

16.09.010 -Purpose

The city may grant variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause undue

or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located. In granting a variance the city may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this title.

16.09.020 – Review Process

Applications for Variances shall be reviewed as Type III applications pursuant to 16.03.120.030

16.09.030 Submittal Requirements

In addition to the application requirements of KMC Section 16.03.120.030 applications for Variances shall include the following:

1. A statement showing the conditions in the review criteria below have been met by the applicant's request:
2. A site plan, drawn to scale, showing the dimensions and arrangements of the proposed development and its relationship to the surrounding property.

16.09.040 Review Criteria

No application for variance shall be granted unless the city finds:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use, rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
4. The hardship asserted by the applicant is not the result of the applicant's or the owner's action.

Chapter 16.10 Mixed Use Zoning Procedures

Chapter 16.10.010 Mixed use zoning code administrative review

16.10.010.1 – Purpose & Summary

Administrative reviews are utilized to make minor modifications or review proposed extensions to approved master plan and provide for reviews of interpretation of the Mixed use zoning code. Monetary figures noted in chapter 17.25 are indexed based on inflation, except as otherwise noted.

16.10.010.2 – Review Process

- A. Administrative reviews shall be processed as a Type I review per the procedures in 16.03.100.10
- B. Appeal of Final Decision. Appeals are processed according to 16.03.080

16.10.010.3 – Submittal Requirements

In addition to the application requirements of KMC Section 16.03.100.10 applications for Mixed use zoning code administrative review shall include the following:

- A. Narrative. Address the relevant criteria applicable to the request in sufficient detail for review and action;

- B. Site Plan. Enough detail shall be included to understand where the modification is located and the nature of the change and its relationship to surrounding areas. Indicate the scale of the drawing, a north arrow, and date of the plan.

Chapter 16.10.020 Mixed use Zone – Subzone Amendments

16.10.020.1 – Purpose & Summary

Requests for modifications of sub-zones within the mixed use zone shall be made in writing and shall be submitted to the city administrator or designee as is described in the administrative review procedure in section 16.10.020.2. The determination of whether a proposed modification is minor or major shall be made at the sole discretion of the city administrator provided the criteria stated in subsections (A) or (B) are met.

16.10.020.2 – Review Process

- A. Minor Modifications. Minor modifications are processed as a Type I review 16.03.100.10. Modifications are deemed minor if all of the following criteria are satisfied:
 1. No sub-zone boundaries established within the mixed use zone are modified/adjusted more than two hundred fifty feet from the previous location;
 2. The specific sub-zone boundary proposed for modification has not been adjusted within the past five years. Only one minor modification of each sub zone boundary is allowed in a five-year period;
 3. No amendment of usage table, section 17.60.020;
 4. No change in the general location or number of access points is proposed;
 5. No reduction in the amount of open space is proposed; and
 6. Transition overlay areas and the buffering requirements in section 17.25.050(G) are concurrently adjusted with the sub-zone boundaries.
- B. Major Modifications. Major adjustments are those which, as determined by the city administrator, substantially change the basic design, density, open space, or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the planning commission through a type III process 16.03.120.030 The planning commission may review such adjustments at a regular public hearing. The planning commission shall issue a recommendation to city council which will approve, deny, or modify the request. Such a decision shall be final. Any appeals of this decision shall be in accordance with section 16.03.080.

16.10.020.3 – Submittal Requirements

In addition to the application requirements of KMC Section [ENTER NEW CODE SECTION HERE] applications for Modifications shall include the following:

- A. Narrative. Address the relevant criteria applicable to the request in sufficient detail for review and action;
- B. Site Plan. Enough detail shall be included to understand where the modification is located and the nature of the change and its relationship to surrounding areas. Indicate the scale of the drawing, a north arrow, and date of the plan.

Chapter 16.10.030 Mixed use Master plan review

16.10.030.1 – Purpose & Summary

The master plan is intended to provide means for long term planning for sites within the city mixed use zoning district. Master plans should demonstrate compliance with the mixed use zoning standards above. Projects are encouraged to use innovative development techniques to maximize economic use of the property, provide a vibrant area for business and commerce, enhance environmental protection and minimize impacts to surrounding land uses.

Development of master plans is also intended to ensure compatibility between uses in the mixed use zone and to provide for the availability of adequate capital facilities and infrastructure to support these uses.

16.10.030.2– When Required

- A. A master plan must be approved prior to the issuance of any other development permits for property zoned mixed use.
- B. Properties subject to master planning may not be subdivided pursuant to land division processes in Title 16 until a master plan has been approved. Property owners subject to master planning, who desire subdivision, may subdivide under title 16 concurrently with a master plan approval process.

16.10.030.3 Development exempt from master plan requirements.

The following development activities are exempt from the master plan requirement:

- A. Renovation, remodeling and maintenance of existing development, provided no increase in impervious surface, no increase in building footprint, no increase in peak hour traffic by more than ten percent, no increase in demand for public water supply or no sanitary sewer service occurs as the result of such renovation, remodeling or maintenance.
- B. Public works projects initiated by the city for the installation, maintenance renovation or repair of any building, facility, utility, street, or related infrastructure which is owned or operated by the city.
- C. Uses which were previously approved through a master planning process are exempt from additional master plan review as long as the change does not increase the total floor area, parking requirements, or any offsite increases in transportation impacts or utility demand beyond what was identified in the previous master plan approval.

16.10.030.4 – Review Process

- A. Master Plans are processed as a Type III review 16.03.120.030
- B. Master Plan Pre-application Conference. A master plan pre-application conference will be held between city staff and the applicant(s) per the provisions of Section 16.03.120.030.A.
 - 1. Content of the Pre-application Conference. In addition to the content in Section 16.03.120.A, the pre-application conference will include a discussion between the city and applicant identifying the required components of the master plan and discussing the scope of the plan. The conference discussion will also determine if any variations to the standards in KMC Chapter 17.25 are likely to be needed for the master plan, and to identify existing information and analyses which may be used in the master plan process. City staff will also identify any site-specific issues of concern.
 - 2. Submittal requirements. In addition to the submittal requirements in Section 16.03.120.A, the following are required:
 - a. A description of whether any adjustments may be needed to the mixed-use zoning standards in KMC Chapter 17.25.
 - b. Proposed development schedule and general timing of phases. If the proposed development is to be phased, sufficient information must be submitted for all phases to define the development intent of all later phases.
- C. Following master plan pre-application conference, a master plan scoping summary including an evaluation of the plans and narrative, as well as a written account of the discussion items raised in the master plan pre-application conference will be mailed to the applicant. The master plan scoping summary will also describe the level of environmental review needed for the master plan, which will include an early notice of determination if the review authority indicates an EIS SEPA threshold determination is likely. Upon receipt of the master plan scoping summary, the applicant will return a signed copy to the city administrator,

acknowledging receipt of the summary of the pre-application conference. The application process will not proceed until the signed copy is received by the city administrator.

- D. Preliminary Plan Review Application Process. Following receipt of the master plan scoping summary, the applicant shall prepare and submit to the city one complete electronic copy of the preliminary master plan application which includes the following elements:
- E. Upon approval of the master plan, the applicant shall submit engineering construction drawings to the city public works for all public utility and roadway improvements. Drawings shall include an identification of any easements or dedications to the city that are required to serve the site. Final executed easements, dedications and covenants shall be submitted to the city prior to obtaining construction plan approval. Easements and dedications submitted will not be recorded until the completion of construction and may be updated to reflect as-built adjustments required during construction.
- F. Following approval of a master plan, development activity pursuant to each master plan shall be reviewed and approved subject to the city building and related permits only. No additional land use permitting will be required, provided such development is consistent with the approved master plan.
- G. The city staff shall make a SEPA determination at the earliest possible stage in the master plan review process and follow the procedures and requirements of chapter 15.04. If an EIS is required, the review of the master plan may be completed concurrently with development of environmental documents, however the planning commission's public hearing shall be held after expiration of any SEPA comment or administrative appeal period.
- H. Permits from state or federal agencies may be obtained following approval through the master planning process. Conditions of approval may be included in the master plan to emphasize the requirement for a required permit in response to SEPA comments submitted during the review process. In no instance will a master plan approval be construed to grant approval of impacts regulated by any state or federal agency.
- I. The city administrator may require a third-party review from a technical expert to provide information necessary to support the review of a master plan. The expert will be chosen from a list of pre-qualified experts prepared and kept by the city. The expert will be contracted to the city and report their findings to the city administrator and the applicant. The cost of such report will be the responsibility of the applicant. These cost reimbursements are due prior to the issuance of any development permits within the master planned area.

16.10.030.5 Approval Criteria

- 1. The master plan is consistent with this chapter and all other applicable codes and policies of the city including provisions for public facilities and/or amenities; identification of critical areas, resource areas and natural features.
- 2. Provision(s) for a coordinated, comprehensive, inter-connected vehicle and pedestrian circulation network.
- 3. Meeting the standards for open spaces and recreational areas.
- 4. Placement of structures, circulation systems and utilities that meet the design and character identified for the mixed use zone, in the preceding sections, and also responds to physical characteristics of the property and surrounding community.
- 5. Adequate public services are available, including water, sewer, roads, including access roads, fire and storm drainage. Approval of the master plan should not reduce existing public service levels for surrounding properties without mitigation measures to maintain adequate public health, safety, and welfare.
- 6. Phased development under a master plan must contain adequate infrastructure, open space, recreational facilities, landscaping and all other necessary infrastructure and improvements to stand alone if no other subsequent phases are developed.
- 7. Alternates to the design standards in sections 17.25.040—17.25.090 may be approved by the planning commission through the master plan approval. Alternates may be approved when the alternate meets the following criteria:
 - a. The alternate provided is equal or better to the standard required.
 - b. No additional environmental impacts will result from the proposed alternate.

- c. The alternate will be consistent with the intent of the mixed use district design standards.
- d. The alternate is not in conflict with any other section of applicable code.

8.If no reasonable conditions or modifications can be imposed to ensure that the application meets the criteria set forth above, then the application shall be denied.

16.10.030.6 Submittal Requirements

A. The master plan must include either a signature of legal owner(s), owner's authorized/designated representative of the subject properties, or a letter from non-signing property owner(s) granting the applicant the privilege to apply for land use approvals on their behalf.

- 1. Site plan,
- 2. Landscape plan,
- 3. Preliminary civil engineering plan,
- 4. Lighting plan,
- 5. Transportation impact analysis,
- 6. Building plans,
- 7. SEPA environmental check list, and
- 8. Project narrative.

B. The information requested may be combined into composite plans if appropriate. The submittal should clearly indicate how the proposed project meets the approval criteria in chapter 17.25 and the criteria in the city engineering standards and applicable environmental regulations. A complete master plan submittal shall include the following minimum submittal requirements:

- 1. Information to be included on the site plan is as listed below:
 - a. Scale and sheet appropriate for the size of the project to provide sufficient detail to demonstrate compliance with applicable requirements. If a large format or nonstandard sheet size is used, additional copies may be required by the city.
 - b. Boundaries of the parcel, surrounding ownership, legal description, and street names.
 - c. Vicinity map.
 - d. Location of all buildings and their projected heights, outdoor storage and loading areas, landscape areas, and open space areas. For portions of the master planned area where specific footprints are not yet known, building envelopes may meet this requirement.
 - e. Location of all adjacent roads (ROW width and pavement of proposed streets, public and private), parking, loading and maneuvering areas, vehicle and pedestrian access points into the site, sidewalks, streetscape, and trails.
 - f. Existing and proposed topography with two-foot contour interval.
 - g. All setback distances of buildings (or building envelopes if proposed) and parking areas.
 - h. Location, height, and materials of any fencing, walls, and trash enclosures.

2. Information to be included on the landscape plan (prepared by a landscape architect or other qualified professional as determined by the city administrator and at the same scale as the site plan) is as listed in section 17.25.070 and the following:

- a. Location, size, species of trees and shrubs.
- b. List of proposed plant material.
- c. Turf mixture(s).
- d. Grading of all landscaped areas.
- e. Planting specifications.
- f. Soil amendment specifications.
- g. Landscape setbacks.
- h. Identification of irrigation methodology.
- i. Preliminary irrigation plan, details, and watering schedule by zones.

3. Information to be included on the civil engineering plan (prepared by a qualified civil engineer and at the same scale as the site plan) is listed below:

- a. Existing and proposed grading based on survey data, using contour intervals appropriate for the slope of the site (i.e. two-foot for rolling or relatively flat sites). Indicate the location of existing and proposed channels and other stormwater drainage appurtenances.
- b. Storm drainage report giving storm water detention calculations consistent with the city stormwater standards.
- c. Storm drainage facilities and easements (i.e., channels and other drainage appurtenances).
- d. Placement and size of all sidewalks and pavement including curb and gutter.
- e. Road and parking lot sections.
- f. Fire hydrant locations.
- g. Connection to existing utility systems and off-site storm drainage systems, if any.
- h. Other utilities and easements, existing and proposed.
- i. Any proposed retaining walls including wall elevations, materials, and construction details with structural engineering calculations for walls over four feet in height.

4. Information to be included on the lighting plan (at the same scale as the site plan) is listed below:

- a. Parking lot, building, signage, and landscape, including locations and photometric analysis indicating foot-candle intensities, identification of shielding or other methods to meet the requirements of section 17.25.080.
- b. Lighting cut sheets and specifications for proposed light fixtures when lights proposed are not included in the city public works standards for lighting.

5. Information to be included in the transportation impact analysis (prepared by a qualified transportation engineer) follows:

- a. The analysis shall include all intersections within the city to be impacted by fifty or more p.m. peak hour trips. Analysis of county and state transportation facilities is not required, however, the city administrator may also require analysis of roads and intersections located outside the city limits if the city administrator determines that development in the master plan area is likely to generate the need for traffic mitigation measures at those intersections or on those roadways. The applicant shall also consult with the state department of transportation for any area which is likely to affect traffic on state highways. A summary of this consultation must be included in the transportation analysis submitted for review.
 - b. The analysis shall identify circulation and an access plan identifying transportation infrastructure improvements including changes to existing roads, and new roads which are needed to provide transportation service to the proposed development, assuming full build-out of site based on the levels of development proposed. This analysis shall include a capacity analysis of existing facilities and identify improvements and extensions needed to serve the affected areas at full build-out.
 - c. The transportation analysis shall identify methods for funding the design and construction of the system improvements needed to serve the affected areas at full build-out. The transportation analysis may provide for phased implementation of the identified improvements, provided that development within a master plan shall not be approved for construction until all improvements necessary to serve the level of transportation impacts proposed are in place or are proposed to be included in the development of that phase.
 - d. The transportation analysis shall include appropriate trip generation analyses, trip distribution analyses, and level of service analyses. The applicant shall use standard trip generation rates published by the institute of transportation engineers or other documented information and surveys approved by the city. The transportation analysis may propose a reduction in generated vehicle trips based on additional information supplied by the applicant, including information related to commute trip reduction programs or other trip reduction methods. The analysis shall identify any trip reduction factors as applicable to each proposed phase of development. For example, shared trip reductions may not be fully realized until full build-out is achieved. In no case shall the impacts from the level of development exceed the mitigation proposed for each phase. The final approval of such methods will be considered through the master plan approval process.
6. Information to be included on the building plans (prepared by a licensed architect) is listed below:
- a. Plans identifying compliance with setbacks required for zoning, fire, or building code compliance.
 - b. Exterior building materials and colors (provide a sample board).
 - c. Illustration of architectural screening of mechanical equipment and trash and recycling areas.
 - d. Describe the general use of all buildings.
 - e. Building elevations from all directions demonstrating compliance with mixed use building standards in section 17.25.090.
7. A SEPA environmental checklist with supporting studies and reports for any critical areas, and as needed to address SEPA-related impacts.
8. A project narrative describing how the proposal will comply with all applicable standards in chapter 17.25 and other applicable sections of this Code.
9. Any additional submittal items identified in the master plan scoping summary.

16.10.030.7 Duration and extension of a master plan approval

This section is intended to provide special standards for the duration and extensions possible for a master plan in the Mixed Use zone.

- A. Master plans approved pursuant to this chapter will be valid for an approval period of ten years from the date of approval.
- B. Master plans approved under this chapter may be eligible for up to three ten-year extensions to be reviewed using the process identified in section 16.10.010 and following criteria:
 1. A request for extension must be filed in writing with the city administrator no later than sixty days prior to the expiration of the approval period;
 2. The applicant must demonstrate completion of at least ten percent of the master plan approved floor area within the previous ten years, or may provide a financial surety to the city to offset any administrative and maintenance costs incurred by the city for undeveloped areas within the master planned project;
 3. The applicant must demonstrate that no significant changes in the technical components of the approved master plan are necessary to protect natural systems, or the public's health, safety and welfare, and
 4. Dollar values assigned to conditions of approval to meet mitigation obligations, impact fee requirements, or other monetary compensation payable to the city will be adjusted for inflation.

Chapter 16.10.040 Mixed use Master plan review Amendment procedures

16.10.040.1 Administrative Amendment.

Master plans may be amended or changed through a review and approval consistent with section 16.10.010 if the amendment meets the threshold requirements for administrative review in that section and the following criteria:

1. The applicant must have approval by all parties to the existing master plan whose ownership portion of the master planned area would be physically changed by the proposed amendment;
2. The amended master plan must conform to all requirements of this chapter as applied through the master plan approval, such that any deviation or variance granted through the original approval could continue to be applied. No additional variances or deviation of the code standards shall be allowed through this administrative amendment process;
3. The applicant must demonstrate to the city administrator that there are no significant changes in conditions, which would render approval of the amendment contrary to the public health, safety or general welfare; and

16.10.040.2 Other Amendments.

Other amendments are those which, as determined by the city administrator, substantially change the basic design, density, open space, or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the planning commission through a Type III process 16.03.120.30 Submittal requirements for a modification request shall only include copies of the information necessary to identify the change and evaluate consistency with the previous approval and approval criteria. No pre-application meeting is required for a modification request, although one will be provided if requested by the applicant. The planning commission shall approve, deny, or modify the request. Such a decision shall be final. Any appeals of this decision shall be in accordance with section 16.03.080

Chapter 16.11 – Sign Permits

16.11.010 – Purpose & Summary

The purpose of this section is to implement the development standards of KMC 17.38 Signs.

16.11.020 – Review Process

- A. An application for a Sign Permit review shall be reviewed subject to the procedures of a Type I review with the review process identified in KMC 16.03.100.10.
- B. Permit Required. No sign shall be placed, erected or displayed without first obtaining a sign permit, except in the case of signs that are specifically exempt in Section 17.38.050.
- C. Removal of Nonconforming Signs. No sign permit shall be issued to allow a new or additional sign on a property having a nonconforming sign until such time as the nonconforming sign(s) is removed or modified to conform to this code.

16.11.030 – Submittal Requirements

All Sign Permit applications must meet the application requirements of KMC Section 16.03.100.10. With the following additional requirements:

An application for a sign permit must be signed by the property owner, lessee, contract vendee, or other tenant of the property on which the sign is to be erected or placed. Such application shall contain the following additional information unless determined by the building official to be unnecessary for the processing of the application:

1. Site Plan. Drawn to scale showing the subject property, streets, all existing buildings, and the location of any existing freestanding signs, utility poles and other structures within fifty feet of the proposed new sign's location;
2. Drawings. Showing the structural details of the proposed sign, including its dimensions, heights, materials, type of illumination, landscaping (freestanding signs) and structural support;
3. Photographs. Showing all existing signs on the subject property and building(s), and marked to indicate the proposed location of the new sign(s).

16.11.040 – Review Criteria

The review criteria are included in KMC 17.38 Signs

Chapter 16.12 – Small Lot Development

16.12.010 – Purpose & Summary

The purpose of this Section is to implement the development standards of KMC Chapter 17.23 – Small Lot Single-Family Floating Zone (SL-SF).

16.12.020 – Review Process – Small Lot Development – One Lot

- a. Small Lot Development (One Lot) applications shall be subject to the provisions of KMC Chapter 17.23.
- b. Applications for Small Lot Development (One Lot) shall be reviewed as Type I applications pursuant to 16.03.100.10.

16.12.030 -Submittal Requirements – Small Lot Development – One Lot

- a. All Small Lot Development (One Lot) applications must meet the application requirements of KMC Section 16.03.100.10 in addition to materials addressing the approval criteria in KMC Chapter 17.23.

16.12.040 - Review Process – Small Lot Development – Two or More Lots

Applications for Small Lot Development (Two or More Lots) shall be reviewed as Type II applications pursuant to 16.03.110.20.

16.12.050 – Submittal Requirements – Small Lot Development – Two or More Lots

All Small Lot Development (Two or More Lots) applications must meet the application requirements of KMC Section 16.03.110.20 and materials addressing the requirements listed in KMC Chapter 17.23.

Chapter 16.13.- Estate Lot Floating Zone Development

16.13.010 – Purpose & Summary

The purpose of the estate lot floating zone designation is to serve as a transitional zone between lower density zoning districts and undeveloped timber land. The estate lot floating zone encourages residential development on historically used timber lands while preserving the natural setting.

16.13.020 – Review Process

Applications for Estate Lot Floating Zone Development Review shall be reviewed as Type I applications pursuant to 16.03.100.10.

16.13.030 – Submittal Requirements

In addition to the application requirements of KMC Section 16.03.100.10 applications for Estate Lot Floating Zone Development Review shall include the following:

Development review applications shall include the following information:

1. A map of the project area. The map shall be drawn to a scale large enough to allow the city administrator to determine the location and extent of the proposed use or development and to evaluate its effects on scenic, cultural, natural and recreation resources. The map shall be prepared at a scale of one inch equals two hundred feet (1:2,400) or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

- a. North arrow;
- b. Map scale;
- c. Boundaries, dimensions, and size of the subject parcel;
- d. Significant terrain features or landforms;
- e. Groupings and species of trees or other vegetation on the parcel;
- f. Landscaping details including the location and species of vegetation that would be removed or planted, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes;
- g. Bodies of water and watercourses;
- h. Location and width of existing and proposed roads, driveways and trails;
- i. Location and size of existing and proposed structures;

- j. Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and
 - k. Location and depth of all proposed grading and ditching.
2. Elevation drawings which show the appearance of proposed structures and include natural grade, finished grade, and the length, width, and height of the structure as seen from a horizontal view. Elevation drawings shall be drawn to scale.
3. A grading plan for all proposed development that involves any ground disturbance. Grading plans shall prepared by a professional engineer licensed in the state. The grading plan shall include the following elements:
- a. A map of the site, prepared at a scale of one inch equals two hundred feet (1:2,400) or a scale providing greater detail, with contour intervals of at least five feet, including:
 - i. Natural and finished grade;
 - ii. Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - iii. Estimated dimensions of graded areas.
 - b. A narrative description of the proposed grading activity, including:
 - i. Its purpose;
 - ii. An estimate of the total volume of material to be moved;
 - iii. The height of all cut banks and fill slopes, including cross-sectional diagrams and road profiles;
 - iv. Provisions to be used for compaction, drainage, and stabilization of graded areas;
 - v. A description of plant materials used to revegetate exposed slopes and banks, including the species, number, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
 - vi. A description of any other interim or permanent erosion control measures to be used.
4. A tree survey and preservation plan, report or drawing that complies with Section 16.13.060(M).
5. Any additional information the applicant feels will assist the city in evaluating the proposal, including, but not limited to, maps, drawings and development plans.

16.13.040 Applicability of provisions.

- A. The estate lot floating zone designation may only be applied in the low density residential (R-1) district.
- B. In the event of a conflict between the requirements of this chapter and those of other chapters, the more restrictive provisions shall control.

16.13.050 Permitted uses.

- A. The following uses shall be permitted in the estate lot floating zone:
 - 1. One single-family dwelling per legally created lot.
 - 2. Accessory uses as defined by Chapter 17.08 for an existing or approved dwelling.
 - 3. Bed and breakfast inns consistent with the following:
 - a. Guests may not occupy a facility for more than fourteen consecutive days;

- b. One non-animated, non-illuminated sign not exceeding two square feet in area may be permitted on the structure or within the yard. A sign permit shall be obtained from the city; and
- c. Parking areas shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers).

4.Home occupations consistent with Section 17.18.070(K) and the following:

- a. Exterior structural alterations to the residence shall not be permitted for the home occupation. New structures shall not be constructed for the primary purpose of housing a home occupation; and
- b. Parking areas shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers).

B. The following uses shall be permitted by a conditional use permit:

1.Cottage industries consistent with Section 17.18.070(K) and the following:

- a. Exterior structural alterations to the residence shall not be permitted for the cottage industry. New structures shall not be constructed for the primary purpose of housing a cottage industry; and
- b. Parking areas shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers).

16.13.060 Estate lot design standards.

The underlying zoning district's standards apply for all standards not specified below:

- A. Minimum Lot Size. The minimum lot size is twenty-two thousand five hundred square feet.
- B. Maximum Lot Size. The maximum lot size is two and ninety-nine-hundredths acres.
- C. Minimum Lot Frontage. The minimum lot frontage is one hundred fifty feet.
- D. Front Yard Setback. The front yard setback is fifty feet.
- E.Rear Yard Setback. The rear yard setback is fifty feet.
- F.Side Yard Setback. The side yard setback is fifty feet.
- G. Maximum Lot Coverage. The maximum lot coverage is twenty-five percent.
- H. Colors.
 - 1. Unless expressly exempted by other provisions in this chapter, colors of structures on sites shall be dark earth-tones found at the site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The city maintains a list of acceptable colors on file.
 - 2. The exterior of buildings shall be composed of nonreflective materials or materials with low reflectivity. Painted metal is not considered to be a nonreflective material or material with low reflectivity.
- I. Lighting. Exterior lighting shall be directed downward and sited, hooded and shielded to minimize impacts to the night sky. Light fixtures shall be arranged to deflect light away from any adjoining residential property or from a public street. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- J. Structural Additions.
 - 1. An alteration to a building built prior to the effective date of the ordinance from which this chapter is derived that already protrudes above the ridgeline of a bluff, cliff or ridge as seen from key viewing

- areas defined by Chapter 17.08 may itself protrude above the ridgeline if the protrusion is no higher than the existing building and the alterations are consistent with the color standards of subsection (H).
2. For existing buildings that do not protrude above the ridgeline, additions smaller in total area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be consistent with the color standards of subsection (H).
- K. **Building Height.** Buildings shall be no taller than the standards in Section 17.18.040. Furthermore, new buildings shall remain below the ridgeline of a bluff or cliff so as to not protrude above the collective tree line as viewed from key viewing areas defined by Chapter 17.08. Variances to this provision may be granted pursuant to Chapter 16.09 if application of this provision would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and shall be applied only after all reasonable efforts to modify the design, building height, and site to comply with this provision have been demonstrated to the satisfaction of city staff.
- L. **Grading.** New buildings, driveways, and roads shall be designed and sited to minimize visibility of cut banks and fill slopes from the public right-of-way, adjacent properties, and key viewing areas defined by Chapter 17.08. Disturbed areas shall be vegetated to diminish visual impact and maintain slope stability. In no case shall the top of a prominent hilltop, knoll, or ridge be graded to create a building pad. The use of dark-colored retaining walls, plantable walls, and terraced retaining structures is encouraged when such use can reduce the need for extensive cut or fill slopes.
- M. **Tree Preservation.** Development shall be designed to preserve significant trees defined by Chapter 16.02 as set forth in this section. When the preservation of at least thirty-three percent of significant trees, inclusive of those found in preserved critical area buffers and open space or recreation tracts, is deemed infeasible by the city, the applicant shall mitigate for the loss of tree canopy by incorporating additional landscaping, tree plantings and/or buffer enhancements (if applicable) or through other means as approved by the city administrator. Significant trees remaining on-site shall be protected during construction through the use of fencing, rock wells, and other means that provide protection corresponding to the drip line of the tree(s), which is the vertical projection of the foliage at its greatest circumference. Assurances shall be provided to ensure the long-term protection of significant trees, or trees planted as mitigation, via notations on the final plat and within recorded covenants. Exemptions may be included to allow removal of those trees deemed dangerous or hazardous to public health, safety and welfare by a certified arborist. If more than sixty-seven percent of the property has been harvested for timber within the ten years preceding an application for development, the property will be held to the standards for tree preservation based on the presence of trees prior to timber harvesting.

16.13.070 Infrastructure requirements.

The applicant shall be required to install public infrastructure improvements in accordance with the provisions of the development guidelines and public works standards. Notwithstanding any provision of this Code or development guidelines and public works standards, the city may authorize alternate designs such as low impact development or revised street or sidewalk widths or materials that meet the intent of the code while accommodating topographic or other site constraints. Requests to modify standards shall be submitted per Development Guidelines and Public Works Standards Section 2.04. Although new structures located within city limits are required to connect to the city's sewerage system, exceptions may be granted per Chapter 12.04.

Chapter 16.14 -Boundary Line Adjustments

16.14.010 – Purpose & Summary

The purpose of this chapter is to establish procedures for the approval of boundary line adjustments in order to ensure that such divisions of land are accomplished in an orderly manner, with proper records established, and in compliance with applicable laws.

This chapter is adopted pursuant to the authority of RCW 35A.63.100, Chapter 58.17 RCW, and laws of the state of Washington.

16.14.020 – Review Process

1. Applications for preliminary approval of Boundary Line Adjustments shall be reviewed as Type I applications pursuant to 16.03.100.10.
2. Final approval and signature of the survey shall be provided within 14 days of submitting all of the required information in 16.14.040. The Applicant is responsible to record the survey with the Cowlitz County Auditor. A copy of the recorded survey shall be provided to the city.
3. The recording of a lot line adjustment does not constitute a transfer of title. The owners of the parcels affected by a boundary line adjustment must complete and record a deed of conveyance. A lot line adjustment does not become effective until it and the appropriate deeds are recorded with Cowlitz County. Copies of all recorded documents shall be forwarded to the city.

16.14.030 Submittal Requirements--Preliminary

- A. A map to scale of not less than one inch equal to one hundred feet which depicts the existing property configuration, including all lot line dimensions, lot sizes and showing the location of water and sewer connections and street access;
- B. A map which depicts the proposed property configuration, including all lot line dimensions, and showing the location of water and sewer connections, street access, and existing buildings;
- C. That map shall show property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line;
- D. A legal description of the existing property configuration and proposed property configuration, prepared by a licensed professional land surveyor;
- E. Complete application form and payment of review fee; and
- F. Affidavit of ownership for all parties involved.

16.14.040 Submittal requirements prior to recording

If the proposed boundary line adjustment is approved the applicant shall submit the following:

- a. A survey map to be prepared and recorded with the Cowlitz County auditor's office on reproducible mylar material at least eighteen inches by twenty-two inches, containing the following information:
 - i. A north point, graphic scale and small vicinity map;
 - ii. Old property lines and dimensions as dashed or broken lines, new property lines and dimensions as solid lines;
 - iii. All property lines shall be fully dimensioned, with the area calculations for each lot noted on the face of the plat;
 - iv. Correct street names and current zoning designation;
 - v. Names of all affected property owners, and addresses of affected parcels. If a parcel is vacant, an address will be assigned by the city;
 - vi. Building locations, building setbacks (distance from existing structures to nearest property lines), location of easements, utility connection points and public and private streets;
 - vii. Identification of all lots involved as lot 1, lot 2, etc.;

- viii. Signature blocks for all property owners; and9. Signature block for the public works director and city planner.
- b. Legal descriptions shall be prepared for each lot after the boundary has been relocated, and the legal description for each lot shall be placed on the face of the survey map.
- c. Any previous short plat or boundary line adjustments shall be noted on the survey map in the title block or plat notes.
- d. The survey map shall contain a surveyor's certificate consistent with RCW 58.09.080 and all other certificates and other information required by Chapter 58.09 RCW.
- e. On the face of the survey map, the language of any and all covenants, deed restrictions, or other property use limitations on the property shall be set forth, together with the volume and page where such language is recorded.

16.14.040 Review Criteria

A boundary line adjustment shall be approved if it is determined that:

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
2. Except as provided in subsection F below, the proposed adjustment would not create a lot which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated per Title 17 KMC;
3. Except as provided in subsection F, the proposed adjustment would not cause an existing structure to fail to comply with required setbacks;
4. No lot is created or modified which does not have adequate access to or means to obtain drainage/stormwater control, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose;
5. The lots involved in the adjustments are contiguous legally created lots; and
6. For adjustments among two or more lots in which one or more of the lots involved in the adjustment is smaller than the current zoning classification, the adjustment would allow a lot to more nearly conform to the lot size of setback requirements of Title 17 KMC or create more feasible building lot configurations. For example, a smaller lot may be made larger by reducing the size of a larger lot so that, on balance, greater conformity is achieved. The degree of nonconformance on existing nonconforming lots with respect to zoning dimension and area standards and zoning setbacks may not be increased.

Chapter 16.15 Short Subdivisions

16.15.010 Purpose and Summary

The purpose of this chapter is to:

- A. Regulate the subdivision of land into four or fewer lots in such a way as to promote the protection of the public's health, safety and general welfare;
- B. To ensure the orderly development of the city consistent with the comprehensive plan, zoning ordinances, and state planning statutes;
- C. Establish procedures which promote the timely review of short subdivisions in the city; and

- D. Enable the conveyance of land, by accurate land description, by reference to an approved short subdivision.

16.15.015 Applicability

- A. Any division of land for the purpose of lease, rent, sale or transfer into four or fewer lots, tracts, or parcels any one or more of which is less than five acres in area within the city shall comply with this chapter and such subdivision shall be referred to as a short subdivision; provided, that the lots or parcels in short subdivisions approved pursuant to this chapter may not be further divided in any manner for a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. Contiguous common parcels shall be treated as contained in a short subdivision only for determining whether or not the division of land proposed is a subdivision, a short subdivision, or resubdivision. All permits for the development of segregated lots less than five acres in size shall be withheld until the provisions of this chapter are met.
- B. The regulations in this title shall not apply to:
 - 1. Cemeteries and other burial plots, while used for that purpose;
 - 2. Division of land made by testamentary provisions and/or the laws of descent;
 - 3. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. Requests for adjustments of lot lines between properties (boundary line adjustments) shall be processed in the manner prescribed for boundary line adjustments under this title.
 - 4. Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall not include that area which is within the dedicated road or street abutting the lot.

16.15.020 – Review Process

Applications for Preliminary Plats shall be reviewed as Type II applications pursuant to 16.03.110.20

16.15.030 – Submittal Requirements

In addition to the application requirements of KMC Section 16.03.110.20 applications Preliminary Plats shall include the following:

- 1. A map, set to a scale of not less than two hundred feet but not more than fifty feet to the inch, that includes but not limited to the following items:
 - a. Scale and north arrow,
 - b. Name of short subdivision (optional),
 - c. The signatures of the owner or owners and land surveyor of the land to be subdivided,
 - d. Locations and names of all public or private roads, utilities and community facilities;
- 2. A survey of the proposed short subdivision specifying all lot and road dimensions, the location of primary control points, the location of all permanent monuments, the length and bearing of all straight lines, curves, radii, arcs and semi-tangents of all curves. The survey shall be completed by a professional land surveyor registered in the state;

3. Critical area determination report, per the determination provided by the director of public works at the pre-application conference in compliance with Chapter 15.02, Critical Area Protection;
4. If the short subdivision constitutes a resubdivision, all lots, blocks, streets, and other divisions of the original subdivision shall be shown by dotted lines in the proper positions in relation to the new arrangement of the short subdivisions;
5. The short subdivisions shall be drawn in indelible ink on a sheet of mylar in accordance with the standards and specifications issued by the Cowlitz County auditor's office at the time of submission, in order that the mylar conforms with all recording requirements of the auditor;
6. The mylar prepared for recording with the Cowlitz County auditor's office shall contain the street address for each parcel of the short subdivision;
7. Short subdivisions including dedications shall include dedications pursuant to Chapter 16.19;
8. Short subdivisions including dedications shall be accompanied by a title report completed by a title insurance company attesting that the land to be dedicated is in fact owned by the signatories of the short subdivision; and
9. A DOE-approved stormwater permit if it is required;
10. Any other requirements set forth in the Kalama public works standards deemed necessary by the public works director including, but not limited to the following a stormwater report, traffic impact study and erosion control plan.

16.15.040 – Recording

Upon notice of approval, construction of all required site improvements, and compliance with all conditions of approval, the applicant shall cause the final short subdivision plat to be drawn in indelible ink on a sheet of mylar having dimensions of eighteen inches by twenty-four inches, or approved substitute, and on a standard recorder's plat sheet eighteen inches by twenty-five inches, with a three-inch-wide hinged binding on the left border. The scale may range from fifty feet to the inch to two hundred feet to the inch. All signatures on the mylar and recorder's plat shall be originals. The final short subdivision plat shall show the following information:

- A. Name of the short subdivision, date, north pointing arrow and scale;
- B. Boundary lines of the short subdivision tract, with curves and distances marked thereon, as determined by a registered survey made by a professional land surveyor registered in the state, and determined by him to close with an error of not more than one foot in five thousand feet;
- C. Lines, including centerlines, and names for all street rights-of-way, other ways, easements and areas intended for public use or granted for use of inhabitants of the short subdivision;
- D. The length and bearing of all straight lines, curves, radii, arcs and tangents of curves;
- E. Exact width and purpose of rights-of-way, street pavement widths and easements (utility, street, access, etc.);
- F. Dimensions along each line of every lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for location of any lot line in the field;
- G. The parcel numbers written along the left border of the mylar parallel to the left border;
- H. Primary control points and all permanent monuments found or established in accordance with this chapter, with the descriptions and ties to such control points and to which all dimensions, angles, bearings and similar data given on the short plat shall be referred;
- I. Section and donation land claim lines within and adjacent to the subdivision;

- J. The front yard setback line for every lot in accordance with the zoning ordinance;
- K. The names of all subdivisions immediately adjacent to the short subdivision;
- L. A metes and bounds legal description of the subdivided tract;
- M. All dedications of land shown clearly and precisely on the face of the short plat;
- N. All open space, facilities and improvements reserved for use of the short subdivision residents and restrictions on their use shown clearly and precisely on the face of the short plat;
- O. Statement of the covenants restricting use of short subdivision property or reference to the volume and page where recorded separately;
- P. If applicable, reference points to base flood elevations with the base flood elevation listed;
- Q. The street address of each parcel lot and lot numbers as correspond with those on the construction drawings of the short subdivision;
- R. Dedication, Acknowledgement and Endorsement. The following information shall appear on the final plat, mylar and recorder's plat sheet, lettered and signed in indelible ink:

Know all men by these presents _____, the undersigned, as the owner(s) in fee simple of the land hereby subdivided, hereby declare(s) this subdivision and dedicate(s) to the use of public forever, all streets and easements of whatever public property there is shown on the plat and the use thereof for any and all public purposes; also the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this short plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this ___ day of _____, 20__.

(Signed) _____

STATE OF WASHINGTON

)

) ss

COWLITZ COUNTY

)

THIS IS TO CERTIFY THAT on the ___ day of _____ 20__ before me, the undersigned, a Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ (he/she/they) signed and sealed the same as _____ (his/her/their) free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of Washington, residing at _____

I HEREBY CERTIFY THAT the short subdivision of _____ is based on actual survey and short subdivision of Section ___, Township _____ North, Range ___, W.M., that the distances and courses and angles are shown thereon correctly; that property monuments have been set and lot and block corners staked on the ground.

_____(Seal)
Professional Land Surveyor

I HEREBY CERTIFY THAT the taxes on the land described hereon have been paid to date, including the year _____.

DATED: _____

(Signed) _____
Cowlitz County Treasurer

(Signed) _____
Deputy Treasurer

EXAMINED AND APPROVED this ____ day of _____, 20____.

(Signed) _____
Director of Public Works

Filed for record at the request of _____ this ____ day of _____, 20____, at ____ minutes past ____, and recorded in Volume ____, of Plats on page ____, Records of Cowlitz County, Washington.

(Signed) _____
Cowlitz County Auditor

(Signed) _____
Deputy Auditor

On short subdivisions only, the face of all short plats shall bear the following statement:

Land within this short subdivision shall not be further divided for a period of five years unless a final plat is filed pursuant to the city of Kalama subdivision code and RCW 58.17.

16.15.050 Sequence for obtaining signatures.

Signatures required by Section 16.15.040 above for dedications, acknowledgments and endorsements shall be in the following sequence:

- A. The owners in fee simple;
- B. Notary public in and for the state;
- C. Professional land surveyor registered in the state;
- D. Cowlitz county treasurer;
- E. Director of public works;
- F. Cowlitz county auditor.

16.15.060 Recording with county.

Each short subdivision shall be filed by the director of public works with the county auditor and shall not be deemed approved until so filed. A copy of an approved short subdivision shall be submitted to the county assessor and the city. The applicant shall pay the filing and copying fee to the city clerk-treasurer prior to at the time of filing. If the short subdivision is not recorded within five years of the date of preliminary short plat approval, the short plat shall become null and void. Upon written request by the developer prior to the expiration date, the administrator may grant one extension of not more than one year.

16.15.070 Monumentation and marking.

Monuments shall be located at all controlling corners on the boundaries of the short subdivision, and at each corner of each lot within the short subdivision, and shall be marked by three-quarter-inch galvanized iron, or approved equivalent, monument driven into the ground. If the short subdivision included a road dedication, monuments shall be placed as required by the director of public works.

16.15.080 Minimum standards.

- A. No subdivision or short subdivision shall be approved unless the administrator makes written findings that adequate provision has been made for sanitary wastes, and stormwater drainage. On-site sewage systems are prohibited, with the exception of those alternative systems allowed under the exception process in Chapter 12.04.
- B. No subdivision or short subdivision shall be approved unless the administrator makes a written finding that adequate provision has been made for potable water supplies.
- C. Cul-de-sacs and dead-end streets shall be developed in accordance with Chapter 16.19 and the public works standards.
- D. Streets, curbs and sidewalks shall be constructed as required pursuant to Section 16.19 and the public works standards. If the new road will be dedicated to the public, the dedication required shall appear on the face of the plat.
- E. All lots shall abut an improved public street and meet minimum frontage requirements.
- F. Where possible, all utilities shall be placed underground and all utility installation shall comply with Section 16.19.
- G. The significant tree standards set forth in Section 16.19.140 shall apply to short subdivisions.
- H. Sections 16.19.040, 16.19.090, 16.19.100, 16.19.160 and 16.19.170 may be applied to short subdivisions, at the city's discretion.

16.15.090 Utility hookup.

Any lot of a proposed subdivision must be served by city water and sanitary sewer services, with the exception of those lots for which an exception has been granted under Chapter 12.04 KMC. No permanent electrical hook-up or permanent city water service shall be furnished to any dwelling and/or structure in any short subdivision which has not been approved pursuant to the terms of this chapter. Fire flow shall be achieved as outlined in the Kalama public works standards.

16.15.100 Deviations from standards.

The procedure outlined in Chapter 16.19 for modifications to adopted standards may be used for short subdivisions, provided that any variances or modifications from chapter 16.09 are also permitted subject to review and approval.

15.15.110 Severability.

- A. These regulations shall not be construed as affecting the liability of any person or as waiving the right of the city under any provisions existing at the time of adoption of these regulations, or as annulling any right obtained by any person by lawful action of the city under provisions existing at the time of adoption of these regulations.
- B. If any part of these regulations or applications thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not impair the validity of the remainder of these regulations.

Chapter 16.16 – Condominium

16.16.010 - Purpose and Applicability

This chapter shall apply to "horizontal property regimes" (condominium subdivisions), including the conversion of rental apartment buildings with five or more units to condominiums. Establishment of a

condominium subdivision is also subject to RCW Chapter 64.32, zoning ordinance standards, and the application procedure and approval/disapproval regulations set forth in this title unless exempted. However, applicants for conversion of rental apartment buildings need submit only a proposed final plat and meet all building code requirements as determined by the building official.

16.16.020 – Review Process Condominium Preliminary Plat

- a. Applications for Condominium Preliminary Plats shall be reviewed as Type IV applications pursuant to 16.03.130.40
- b. Approval of a preliminary plat shall not guarantee approval or constitute acceptance of the final plat.

16.16.030-- Submittal Requirements – Preliminary Plat

In addition to the application requirements of KMC Section 16.03.130.40 applications Condominium Preliminary Plats shall include the following:

1. A survey based on the following standards:

- a. Vertical Plane Datum. Plats for condominium subdivisions shall show three dimensions with elevation related to USGS and USC&GS datum.
- b. Dimensions. Dimensions shall be in feet and inches conforming with architect's drawing and shall be at a scale of not more than five feet to the inch.
- c. Benchmarks. Two permanent benchmarks must be set on or near the building at ground level for future reference in locating units in the subdivision.
- d. Elevations. The vertical position or positions of the plan of each floor or ceiling in any space unit shall be referenced to its elevation above USGS or USC&GS datum and shown on the face of the subdivision plat as floor elevation. A note should appear on the plat denoting reference plane for elevations.
- e. Descriptions. Each floor plan of the permanent structure must be shown as well as basement and roof levels and area of a condominium subdivision plan. The dimensions and ties shown for each parcel must be definite enough with respect to both vertical and horizontal control so that the boundaries of each apartment may be accurately located by the use of standard survey methods.
- f. Unit Lines. All units of apartment property lines shall be on the interior surfaces of the perimeter walls, floors, ceiling, windows and doors thereof.
- g. Unit Numbers and Names. Apartment numbers and the subdivision unit numbers must be the same. The subdivision name and apartment building names must be the same.
- h. Certificates. The condominium subdivision survey must contain all of the certifications and approvals required for any subdivision. Dedications of public areas and facilities and the grant to apartment owners of private easements in common areas and facilities shall be of sufficient quantity and quality to conform with minimum requirements and laws relating to fire, health and safety.
- i. Percentage of Unit Interest. The percentage of undivided interest must be shown on the subdivision as well as in the declaration. The percentage should be expressed in decimal form. Any change of percentage interest shall be filed for record with the Cowlitz County auditor, and the auditor shall file a separate document of any such amendment with the date thereof.

2. Declaration. A declaration, the instrument by which the property is submitted to provision of the state law, must be filed at the time the plat is filed.

3. Notice of Bylaws. The bylaws under which the building, constituted as a condominium, is administered should not be a part of the subdivision. The current bylaws shall be recorded in the office of the Cowlitz

County auditor. Reference to the general index or receiving number and to volume and page where the bylaws are recorded shall be included in any instrument of transfer of any or all units as a restriction on the title of such units.

16.16.040 – Review Process Condominium Final Plat

Applications for Condominium Final Plats shall be reviewed as Type IV applications pursuant to 16.03.130.40, except that a final condominium plat conforming entirely with the preliminary conditions of approval shall not require a Planning Commission Review or Hearing.

16.16.050 - Submittal Requirements – Final Plat

1. Signatures required for dedications, acknowledgments and endorsements normally shall be obtained in the following sequence:

- i. The owners in fee simple;
- ii. Notary public in and for the state of Washington;
- iii. Licensed land surveyor;
- iv. Cowlitz County treasurer;
- v. Director of public works;
- vi. Planning commission chairman;
- vii. Mayor;
- viii. City clerk-treasurer;
- ix. Cowlitz County auditor.

The director shall file the original drawing of the final plat for recording with the Cowlitz County auditor. One reproduced full copy on mylar material shall be retained by the city. One paper copy shall be filed with the Cowlitz County assessor. At least six paper copies shall be retained by the city clerk-treasurer. The subdivider shall be responsible for all fees associated with filing.

2. Submittal Requirements.

In addition to the application requirements of KMC Section 16.03.130.40 applications Condominium Final Plats shall include the following:

- a. A final plat drawing conforming to the preliminary plat approved by the City and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the director determines such deviations are necessary because of unforeseen technical problems or to protect the public interest in accordance with KMC Section 16.17.110. The final plat shall be drawn in indelible ink on a sheet of mylar having dimensions of eighteen by twenty-four inches, or approved substitute, and on a standard recorder's plat sheet eighteen by twenty-five inches, with a three-inch-wide hinged binding on the left border. If more than one sheet is required, the sheets shall be numbered and indexed. The scale may range from fifty feet to the inch to two hundred feet to the inch. All signatures on the mylar and recorder's plat sheet shall be originals. The final plat shall show the following information:
 - i. Name of the subdivision, date, north-pointing arrow and scale;
 - ii. Boundary lines of the subdivision tract, with courses and distances marked thereon, as determined by field survey made by an engineer or land surveyor registered in the state of

Washington, and determined by them to close with an error of not more than one foot in five thousand feet;

- iii. Lines, including centerlines, and names for all street rights-of-way, other ways, easements and areas intended for public use or granted for use of inhabitants of the subdivision;
- iv. The length and bearing of all straight lines, curves, radii, arcs and tangents of curves;
- v. Exact width and purposes of rights-of-way, street pavement width and easements;
- vi. Dimensions along each line of every lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for location of any lot line in the field;
- vii. Primary control points and all permanent monuments found or established in accordance with this chapter, with descriptions and ties to such control points and to which all dimensions, angles, bearings and similar data given on the plat shall be referred;
- viii. Section and donation land claim lines within and adjacent to the subdivision;
- ix. The front yard setback line for every lot in accordance with the zoning ordinance;
- x. The names of all subdivisions immediately adjacent to the subdivision;
- xi. A metes and bounds legal description of the subdivided tract;
- xii. All dedication of land shown clearly and precisely on the face of the plat;
- xiii. All open space, facilities and improvements reserved for use of the subdivision residents and restrictions on their use shown clearly and precisely on the face of the final plat;
- xiv. The parcel numbers written along the left border of the mylar parallel to the left border;
- xv. The street address of each lot and lot numbers as correspond with those on the construction drawing;
- xvi. Statement of the covenants restricting use of subdivision property or reference to the volume and page where recorded separately;
- xvii. Reference points to base flood elevations with the base flood elevations listed;
- xviii. Dedication, Acknowledgment and Endorsement. The following information shall appear on the final plat, mylar and recorder's plat sheet, lettered and signed in ink:

1. Owners' Statement.

Know all men by these presents that, the undersigned, as the owner(s) in fee simple of the land hereby subdivided, hereby declare(s) this subdivision and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this ___ day of _____, 20__.

(signed) _____

2. Certification by Notary Public.

STATE OF WASHINGTON)
) ss
COUNTY OF COWLITZ)

THIS IS TO CERTIFY THAT on the ___ day of _____, 20___, before me, the undersigned, a Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that ___ (he/she/they) signed and sealed the same as ___ (his/her/their) free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of Washington, residing at

3.Certification by Licensed Land Surveyor.

I HEREBY CERTIFY THAT the subdivision of _____ is based on actual survey and subdivision of Section ____, Township _____ North, Range ____, W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot and block corners staked on the ground.

(Seal)

Licensed Land Surveyor

4.Certification by County Treasurer.

I HEREBY CERTIFY THAT the taxes on the land described hereon have been paid to date, including the year _____.

DATED
(signed)

Cowlitz County Treasurer

(signed)

Deputy Treasurer

5.Approval of Director of Public Works.

EXAMINED AND APPROVED this ___ day of _____, 20___

(signed) (seal)

Director of Public Works

6.Approval of Planning Commission.

EXAMINED AND APPROVED this ___ day of _____, 20___, Kalama Planning Commission.

ATTEST:

(Signed)

Secretary

Chairman

7. City Council and Mayor's Approval.

EXAMINED AND APPROVED this ____ day of _____, 20____.

KALAMA CITY COUNCIL

(Signed)

Mayor

ATTEST:

(Signed)

City Clerk/Treasurer

8. County Auditor's Statement.

Filed for record at the request of this ____ day of _____, 20____, at ____ minutes past ____ o'clock __.M., and recorded in Volume ____, of Plats, on page ____, Records of Cowlitz County, Washington.

(Signed)

Cowlitz County Auditor

(Signed)

Deputy Auditor

b. Supplementary Materials. The original hard copy drawing of the final plat shall be accompanied by:

i. At least two copies of the final plat, one on mylar material;

2. A digital portable document format and electronic file suitable for importing into CAD and GIS systems;

3. A copy of any deed restrictions and restrictive covenants proposed by the subdivider;

4. A title report issued by a title insurance company showing all parties whose consent is necessary and their interest in the premises and listing all encumbrances;

5. "As-built" plans of such required improvements as have been completed, unless other arrangements are made to guarantee that "as-built" plans will be submitted;

6. A complete survey and field and computation notes;

7. If required improvements have not been completed, plat performance bond or other security conforming to Chapter 16.19 of this title;

8. If a local improvement district is proposed, a petition for creation of the district, unless the city council in approving the preliminary plat indicated it would create a district by resolution;

9. Payment of the inspection fee required by the adopted fee schedule for such improvements as have been completed;

10. Payment of a fee as indicated in the current city fee schedule for each street sign required by the director, which are to be installed by the city. In lieu of payment, the city may also elect to require installation by the developer;

11. Bill of sale for all infrastructure;

12. Quit claim deed for all public real property and dedication deeds;
13. Affidavit of no liens;
14. Maintenance bond and warranty deeds;
15. Three copies of operations and maintenance manuals for all mechanical components installed;
16. A statement from the Cowlitz County assessor verifying that all lot descriptions are accurate; and
17. Other items required by the director deemed necessary to ensure compliance with the city of Kalama public works standards.

Chapter 16.17 – Subdivision

16.17.010 Purpose

The purpose of this code is to provide rules, regulations, requirements, and standards for development of land in the city, ensuring that the public health, safety, general welfare, and design standards of the city are promoted and protected; that planned growth, development, and the conservation, protection and proper use of land are ensured; that proper provisions for all public facilities including circulation, utilities, open space, parks, and services comply with adopted regulations and standards; and that the goals and policies of the city of Kalama comprehensive plan is furthered through the development of land.

16.17.015 Applicability

Every division or re-division of land shall comply with the provisions of RCW ch. 58.17, this title and all future amendments or applicable federal, state or local laws. After final plat or short plat approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions, shall be allowed only if the procedures of this title are followed, and these requirements shall be applicable to all plats approved prior to the effective date of this title. Where this code imposes greater restrictions or higher standards upon the development of land than other laws, ordinances, manuals or restrictive covenants, the provisions of this code shall prevail.

- A. The regulations in this title shall not apply to:
 1. Cemeteries and other burial plots, while used for that purpose;
 2. Division of land made by testamentary provisions and/or the laws of descent;
 3. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. Requests for adjustments of lot lines between properties (boundary line adjustments) shall be processed in the manner prescribed for boundary line adjustments under this title.
 4. Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall not include that area which is within the dedicated road or street abutting the lot.

Regulations Mandatory

No person shall sell, lease or transfer the ownership of or offer for sale, lease or transfer of ownership any real property that is subject to this chapter without full compliance with this chapter. Any plat, replat, plan or map hereafter made of any subdivision or part thereof lying within the Kalama city limits shall be presented for approval, reviewed and if approved, recorded as prescribed by this chapter. No subdivision plat, short subdivision (short plat),

replat, plan, or map hereafter made shall have any validity until it shall have the approval of the Kalama city council or administrator and otherwise be found by the city to comply with this title.

16.17.020 – Subdivision – Preliminary Plat – Review Process

- a. Subdivision Preliminary Plat applications shall be subject to the provisions this section.
- b. Applications for Subdivision Preliminary Plats shall be reviewed as Type IV applications pursuant to 16.03.130.40
- c. Modification to Approved Preliminary Plat shall be process in accordance with the Post Decision Review procedures in KMC 16.23

16.17.030 – Submittal Requirements

In addition to the application requirements of KMC Section 16.03.130.40 applications for Subdivision Preliminary Plats shall include the following:

- a. Completed preliminary plat application form;
- b. Completed environmental checklist;
- c. A critical area determination report, per the determination provided by the city at the pre-application conference or thereafter in compliance with Chapter 15.02, Critical Areas Protection Code, or proof that an application for a critical area determination has been filed with the city as required by Chapter 15.02;
- d. If critical areas exist on the subject site, the permit and report requirements of KMC Chapter 15.02 shall be adhered to and submitted with the preliminary plat application;
- e. Precise drawings showing sanitary and storm sewer cross-sections and grade profiles of the existing ground and proposed streets;
- f. If the property is to be developed in phases, each phase shall be clearly labeled and demarcated on the preliminary plat;
- g. Copy of a recent title report for the property issues within the last sixty days, including a legal description according to the official records in the office of the county auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey; and
- h. A verified statement with original signatures that the property affected by the applicant is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;
- i. A DOE stormwater permit if applicable;
- j. Traffic analysis/report as required by the city;
- k. If it has been determined that a zoning map amendment or variance is required for approval of the preliminary plat, completed applications for the same if not previously submitted and reviewed;
- l. A tree survey and preservation plan, report or drawing that complies with Section 16.19.140;
- m. Preliminary stormwater report; and

- n. Other items required per the city of Kalama public works standards.

16.17.040 – Plat Specifications

Preliminary plats for distribution shall be presented on a sheet or sheets having dimensions no larger than twenty four by thirty six inches and shall be drawn at a convenient scale. The following information shall be shown on the preliminary plat in one or more sheets:

- a. General.
 - i. The proposed name of the subdivision, together with the words "preliminary plat,"
 - ii. The tract designation(s) of the proposed subdivision as shown in the records of the Cowlitz County assessor, including lot numbers, section, township and range,
 - iii. Date, north-pointing arrow, and scale of drawing,
 - iv. Name and address of the owner(s) of the property to be subdivided, of the subdivider or subdivision agent, if other than the owner, and of the surveyor and engineer,
 - v. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property and streets;
- b. Existing features.
 - i. Existing structures,
 - ii. Location, pavement and right-of-way widths, and names of existing public or private streets, roads or alleys within or abutting the tract,
 - iii. Location and size of existing sewers, water mains and culverts,
 - iv. Location of existing property lines, easements, railroads, monuments, property markers, section lines and city boundary lines within or abutting the tract,
 - v. Watercourses, ditches, areas of flooding or ponding, rock outcroppings, wooded areas, and isolated trees eight inches or more in diameter measured four feet above the ground,
 - vi. The names and addresses of adjoining property owners from the latest assessment rolls within five hundred feet of all boundaries of the proposed subdivision, shown on the plat in relationship to the property to be subdivided,
 - vii. Contour lines illustrating topography at two-foot intervals for slopes less than ten percent and at five-foot intervals for slopes over ten percent. Contour lines shall extend at least one hundred feet beyond the boundaries of the proposed subdivision. Contours shall be relative to sea level and based on USGS or USC&GS datum,
 - viii. All critical areas shall be shown including streams, wetlands, geological hazard areas and all associated buffers,
 - ix. For subdivisions proposed in the one-hundred-year floodplain, base flood elevation benchmarks;
- c. Proposed Features.
 - i. The boundary of the proposed subdivision drawn in a bold line,
 - ii. Locations and dimensions of proposed streets, alleys, other public and private ways, easements, lot lines and utilities, with the purpose of easements stated,

- iii. Locations, dimensions and area of public and common park and other open space areas,
- iv. Proposed number assigned to each lot and block, with lots numbered consecutively in a block; proposed names of all streets,
- v. Identification of all areas proposed to be dedicated for public use, with designation of the purpose thereof and any conditions,
- vi. When more than one type of use is proposed, the location, dimensions and area for each type of use (such as single-family, two-family, or multifamily residential uses),
- vii. If the subdivision borders a river or stream, the approximate mean high and mean low water elevation and the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of the waterway.

16.17.050 – Distribution of Materials

The city shall distribute the pertinent preliminary plat application materials, which may be combined with the SEPA notice for outside agencies, to the following:

- a. Director of public works;
- b. City engineer;
- c. City building inspector;
- d. Fire department representative;
- e. Kalama school district;
- f. City planner;
- g. Each planning commission member;
- h. City police chief;
- i. All utility providers;
- j. State Department of Ecology, when a proposed subdivision adjoins a river or stream, or is located in a flood control zone, or requires a stormwater permit;
- k. State Department of Transportation, when a proposed subdivision is located adjacent to a state highway right-of-way;
- l. Cowlitz County communication center;
- m. Pipeline company if within three hundred feet of a pipeline;
- n. Cowlitz County department of community development, when a plat adjoins an unincorporated area;
- o. Cowlitz-Wahkiakum health district;
- p. Cowlitz County public works department when county roads are impacted; and
- q. Other agencies and jurisdictions, as needed.

16.17.060 – Criteria for Approval

- A. Required Recommendations. Before any preliminary plat is scheduled for a public meeting before the city council, the following recommendations for disapproval or approval shall be filed with the planning commission secretary:
 - 1. Local health department or other agency approving septic sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply, if applicable;
 - 2. Kalama planning commission recommendation as to compliance with all terms of preliminary approval as set forth in KMC, including those design standards and improvements set forth in KMC Chapter 16.19;
 - 3. City engineer;
 - 4. Director of public works' recommendation as to compliance with all applicable public works standards, and sewer and water concurrency and facilities construction;
 - 5. City fire marshal or fire district representative;
 - 6. City parks and recreation committee, as needed; and
 - 7. City planner.

- B. Written Findings Required. During the public hearing on the preliminary plat, the city shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and any dedications proposed. The proposed subdivision and/or dedications shall not be approved/accepted or recommended for approval/acceptance unless the planning commission and/or city council makes written findings that:
 - 1. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 - 2. The public use and interest will be served by the platting of such subdivision and dedication; and
 - 3. That the proposed subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls including RCW 58.17.

- C. Dedications.
 - 1. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval.
 - 2. Roads not dedicated to the public must be clearly marked on the face of the plat.
 - 3. Any dedication, donation or grant as shown on the face of the plat shall be considered for all intents and purposes as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the grantor(s) or donor(s).
 - 4. If the plat is subject to a dedication, a certificate or separate written instrument shall contain the dedication of all streets and other areas to the public, any individuals, religious societies or corporation (public or private), as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
 - 5. Dedication of land to any public body, provision of public improvements to serve the subdivision may be required as a condition of subdivision approval.

- D. Flood, Inundation or Swamp Conditions. A proposed subdivision may be disapproved because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the State Department of Ecology.
- E. Conditions of Approval. The commission and council may attach those conditions to an approval or recommendation for approval as deemed necessary to promote the public interest, safety, health and welfare, except as prohibited in this chapter or other law. The commission may recommend and the council may require that conditions of approval be listed on the face of the final plat.

16.17.070 – Effect of Preliminary Plat Approval

Approval of a preliminary plat by the city council shall not guarantee approval or constitute acceptance of the final plat.

16.17.080 – Submission of Construction Plans

After approval of the preliminary plat and prior to the beginning of construction and installation of improvements or performance bonding or other assurance in lieu thereof, the subdivider's engineer shall submit to the city detailed construction plans for all required improvements and applications for necessary permits set forth in this title. Required improvements are detailed in KMC Chapter 16.19. Upon approval of the construction plans and prior to submission of the final plat, the subdivider shall proceed to construct and install required improvements to completions, unless the performance bonding or other option set forth in Chapter 16.19 of this title is accepted. Construction plans shall be drawn at a scale of no more than fifty feet to the inch with the following information shown:

- A. Streets.
 - 1. Profiles showing original ground elevation and proposed elevations along centerlines of all streets,
 - 2. Radii of curves, lengths of tangents, angles, bearings on street centerlines, right-of-way and pavement widths,
 - 3. Structural section of streets, curbs and sidewalks;
- B. Grading and Drainage. Lot grading plans including approximate quantities of fill and excavation, drainage easements, drainage retention proposals, catchbasin size and location, and storm sewer pipe size, type, location, depth and connections;
- C. Water Mains. Location, size, type, depth and connections for lines, valves and fire hydrants;
- D. Sanitary Sewers. Locations, grades, connection elevations, pipe sizes and types, depths, lateral locations and manhole locations;
- E. All other information required in the city of Kalama development guidelines and public works standards.

16.17.090 Final Plat Procedure

- A. Preparation. After approval of the preliminary plat and the detailed construction plans and within the time limits set forth in this chapter, the subdivider shall cause to be prepared a final plat and the supplementary materials required by this section. The final plat shall:
 - 1. Be drawn to the specifications and contain the information required by Section 16.17.100 of this title;
 - 2. Conform to the preliminary plat approved by the city council and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the director determines such deviations are necessary because of unforeseen technical problems or to protect the public interest in accordance with KMC Section 16.17.110;

3. Include, in the manner specified by Section 16.17.100 of this title, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements, and certifications required by Section 16.17.100 of this title.
- B. Supplementary Materials. The original hard copy drawing of the final plat shall be accompanied by:
1. At least two copies of the final plat, one on mylar material;
 2. A digital portable document format (PDF) copy and a digital format copy suitable for use in CAD and GIS systems;
 3. A copy of any deed restrictions and restrictive covenants proposed by the subdivider;
 4. A title report issued by a title insurance company showing all parties whose consent is necessary and their interest in the premises and listing all encumbrances;
 5. "As-built" plans of such required improvements as have been completed, unless other arrangements are made to guarantee that "as-built" plans will be submitted;
 6. A complete survey and field and computation notes;
 7. If required improvements have not been completed, plat performance bond or other security conforming to Chapter 16.19 of this title;
 8. If a local improvement district is proposed, a petition for creation of the district, unless the city council in approving the preliminary plat indicated it would create a district by resolution;
 9. Payment of the inspection fee required by Chapter 16.19 of this title for such improvements as have been completed;
 10. Payment of a fee in the amount of one hundred dollars for each street sign required by the director, which are to be installed by the city. In lieu of payment, the city may also elect to require installation by the developer;
 11. Bill of sale for all infrastructure;
 12. Quit claim deed for all public real property and dedication deeds;
 13. Affidavit of no liens;
 14. Maintenance bond and warranty deeds;
 15. Three copies of operations and maintenance manuals for all mechanical components installed;
 16. A statement from the Cowlitz County assessor verifying that all lot descriptions are accurate; and
 17. Other items required by the director deemed necessary to ensure compliance with the city of Kalama public works standards.
- C. Sequence for Obtaining Signatures. Signatures required by Section 16.17.100 of this title for dedications, acknowledgments and endorsements normally shall be obtained in the following sequence:
1. The owners in fee simple;
 2. Notary public in and for the state of Washington;
 3. Licensed land surveyor;
 4. Cowlitz County treasurer;
 5. Director of public works;
 6. Planning commission chairman;
 7. Mayor;
 8. City clerk-treasurer;
 9. Cowlitz County auditor.

- D. Review by the Director.
1. The subdivider shall submit the original drawing of the proposed final plat and supplementary materials to the city. The director shall:
 - a. Inspect the detail and computations of the final plat for conformance with the specifications and standards of this chapter; the director's determinations shall be conclusive;
 - b. Inspect the final plat for conformance with the preliminary plat approved by the city council and the conditions made a part of such approval;
 - c. Determine either that all required improvements have been installed in accordance with these regulations or that certain improvements may properly be deferred under Chapter 16.19 of this title.
 2. When the director is satisfied with the details and computations of the plat, determines that the plat conforms to the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he shall signify his approval of the subdivision by signing the original and mylar copies of the final plat. Thereafter, he shall forward the plats and the supplementary material to the clerk-treasurer, who shall arrange for planning commission review.
 3. If the director is not satisfied with the detail and computations of the final plat, finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he shall withhold his signature until the matter is corrected or resolved by the subdivider to the satisfaction of the director.
- E. Review by the City Council. The city council shall review final plats at a public meeting considering the factors set forth below. The council review shall occur after the director and planning commission have completed review. The council shall determine whether:
1. The final plat conforms to the approved preliminary plat and conditions set thereon;
 2. The public uses and interest will be served by the subdivision and the final plat meets the requirements of RCW 58.17 and of this chapter;
 3. Improvements have been completed or properly guaranteed to be completed in accordance with Chapter 16.19 of this title;
 4. The dedications, certifications and acknowledgments and signatures required by Section 16.17.100 of this title have been duly stated and obtained;
 5. Inspection and street sign fees have been paid;
 6. Proposed covenants are in satisfactory form and ready for recording with the final plat;
 7. Any other supplementary materials required by this chapter or by the council have been satisfactorily completed. If the council affirmatively makes the above determinations, the mayor shall inscribe and execute the council's will on the face of the original drawing and mylar copies of the final plat. If the council withholds approval, it shall return the plat sheets and supplementary material to the applicant and provide a statement of reasons for its decision and of the changes necessary to permit granting approval.
- G. The director shall file the original drawing of the final plat for recording with the Cowlitz County auditor. One reproduced full copy on mylar material shall be retained by the city. One paper copy shall be filed with the Cowlitz County assessor. The subdivider shall be responsible for all fees associated with filing.

16.17.100 Final Plat Drawing and Recording

The final plat shall be drawn in indelible ink on a sheet of mylar having dimensions of eighteen by twenty-four inches, or approved substitute, and on a standard recorder's plat sheet eighteen by twenty-five inches, with a three-inch-wide hinged binding on the left border. If more than one sheet is required, the sheets shall be numbered and indexed. The scale may range from fifty feet to the inch to two hundred feet to the inch. All signatures on the mylar and recorder's plat sheet shall be originals. The final plat shall show the following information:

THIS IS TO CERTIFY THAT on the ___ day of _____, 20___, before me, the undersigned, a Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that ___ (he/she/they) signed and sealed the same as ___ (his/her/their) free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of Washington, residing at

3.Certification by Licensed Land Surveyor.

I HEREBY CERTIFY THAT the subdivision of _____ is based on actual survey and subdivision of Section ___, Township _____ North, Range ___, W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot and block corners staked on the ground.

(Seal)

Licensed Land Surveyor

4.Certification by County Treasurer.

I HEREBY CERTIFY THAT the taxes on the land described hereon have been paid to date, including the year _____.

DATED
(signed)

Cowlitz County Treasurer

(signed)

Deputy Treasurer

5.Approval of Director of Public Works.

EXAMINED AND APPROVED this ___ day of _____, 20___

(signed) (seal)

Director of Public Works

6.Approval of Planning Commission.

EXAMINED AND APPROVED this ___ day of _____, 20___, Kalama Planning Commission.

ATTEST:

(Signed)

Secretary

Chairman

7.City Council and Mayor's Approval.

EXAMINED AND APPROVED this ____ day of _____, 20____.

KALAMA CITY COUNCIL

(Signed)
Mayor

ATTEST:
(Signed)
City Clerk/Treasurer

8.County Auditor's Statement.

Filed for record at the request of this ____ day of _____, 20____, at ____ minutes past ____ o'clock ____M., and recorded in Volume ____, of Plats, on page ____, Records of Cowlitz County, Washington.

(Signed)

Cowlitz County Auditor

(Signed)

Deputy Auditor

16.17.110 Modifications to Approved Preliminary Plats

Modifications to an approved preliminary plat prior to final plat approval and recording may be approved consistent with the Post Decision Review procedures in 16.23

Chapter 16.18 – Plat Vacations & Alterations

16.18.010 – General Provisions

The provisions of this chapter shall apply to plat vacations and plat alterations pursuant to a type IV procedural requirement according to Chapter 16.03.140 and the requirements in Chapter 58.17 RCW. These provisions are for those plats that have received final approval and have been recorded.

16.18.020- Requirements for Complete Plat Vacation Application

1. In addition to the requirements of Chapter 16.03.140 and Chapter 58.17 RCW, a complete application for a plat vacation will include the following:
 - a. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of original approval;
 - b. The reasons for the proposed vacation;
 - c. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
 - d. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

16.18.030 - Requirements for a Complete Plat Alteration Application

In addition to the requirements of Chapter 16.03.140 and Chapter 58.17 RCW , a complete application for a plat vacation will include the following:

- a. A copy of the approved plat sought to be altered together with all plat amendments recorded;
- b. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels sites or divisions in the subject subdivision or portion to be altered; and
- c. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

16.18.40 Review Process

1. Alterations or vacations of approved, recorded subdivisions shall be processed pursuant to a type IV process in Chapter 16.03.140 and RCW 58.17.215 and all applicable portions of this title, including Chapter 16.18.

Chapter 16.19 PLAT DESIGN AND REQUIRED IMPROVEMENTS

16.19.010 Generally

- A. The principles and requirements within this chapter shall be followed in the development of all subdivisions and shall be considered minimum standards. Any proposed plat shall be in harmony with the city's comprehensive plan. Insofar as the comprehensive plan does not indicate the size, location, direction and extent of a street, the arrangement of streets in a plat shall provide for the continuation of the principal streets existing in adjoining properties, or of the projection of existing streets where adjoining property has not been developed. Where a tract of land is platted into lots of an acre or more, the commission may require an arrangement of lots and streets which will permit a later replat in conformity with the street requirements of this chapter and the comprehensive plan.
- B. Applicability. The requirements and standards of this chapter shall be followed in the development of all subdivisions, except as indicated in this title, and shall be considered minimum standards.
- C. Conformance to Applicable Plans, Laws, Ordinances and Regulations. In addition to standards contained in this title, all subdivision plats shall comply with the following:
 1. APWA specifications and or city of Kalama public works standards as referenced in Section 16.19.020 below;
 2. The current edition of the International Fire Code (IFC), as may be amended by the city;
 3. Policies for place names of the Cowlitz County communication center;
 4. Applicable state laws and regulations.

16.19.020 Standards adopted.

The "City of Kalama Development Guidelines and Public Works Standards" (hereafter referred to as "public works standards") are adopted herein by reference and the design and layout of streets, sanitary sewer, water and storm drainage systems and such other construction regulated or reviewed pursuant to this title shall be done in accordance with said standards. Where a conflict exists between this chapter and the public works standards, the

more stringent standard shall apply unless otherwise approved by the public works director. The public works standards are on file with the city clerk-treasurer and may be reviewed upon request or purchased.

16.19.030 Subdivision and street naming.

1. Subdivision names shall not duplicate or too closely approximate phonetically the name of any other subdivision within the Kalama area, except that in the case of successive subdivisions of a phased development, plats may be differentiated in name by sequential numbering or by direction (north, south, etc.).
2. Street names shall not duplicate or too closely approximate phonetically the name of any other street within the Kalama area, except in the case of new streets serving as a continuation of existing streets. Streets having the same name except for "court," "lane" or other suffix shall be deemed duplicative and not permitted. Names of new streets running on a line with an existing street but separated by a park or barrier may duplicate the name of the existing street, provided that a prefix indicating direction from the park or barrier is attached to the new street's name.
3. The city council shall have the right to rename subdivisions and streets.

16.19.040 Lots or parcels.

- A. Except for lots created in the mixed use zoning district, each lot shall be provided direct access by means of minimum frontage on a dedicated and improved public street.
- B. The minimum size of any lot or parcel of property within a subdivision shall conform to the standards of Title 17 unless otherwise approved pursuant to this title.
- C. Residential lots which have street frontage along two opposite boundaries shall be discouraged, except for reverse-frontage lots which are essential to provide separation to residential development from primary traffic arterials or collectors or to overcome specific disadvantages of topography and orientation. For such lots, there shall be an easement in favor of the appropriate governmental entity at least ten feet wide along the lot lines abutting said primary arterial across which there shall be no right of access may be required. Arterial and collector streets are as defined in Chapter 16.02.
- D. Insofar as practicable, side lot lines shall be at right angles to straight street lines and radial to corner street lines. Placing adjacent lots at right angles to one another shall be avoided where possible.
- E. Individual lot access to primary arterial and collectors. Residential subdivisions should be designed so that individual lots or parcels do not require direct vehicular access to arterial streets and that direct access to collector streets is minimized.
- F. Flag Lots. Flag lots are discouraged, but may be approved in accordance with Section 16.19.180, where topography makes standard design or more frontage impossible or impractical. Where such flag lots are allowed, the flag stem should generally not be more than one hundred fifty feet long. Not more than two flag lots shall abut each other. When allowed, the flag stem on a flag lot shall have a minimum all-weather surface driveway of twelve and one-half feet in width for single flag lots and eighteen feet in width for double flag lots. In approving a flag lot, the city may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents. The city may require a flag stem to be wider than the above standard where screening is necessary. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence.
- G. Where lots are more than double the minimum lot size required for the zone, the city council may require that the subdivision be designed to accommodate future subdivision and the opening of future streets and expansion of existing streets. The city may also require that a subdivision's street network be designed to accommodate future growth on adjacent properties in support of greater connectivity and a more efficient transportation network.

16.19.050 Blocks.

- A. Length. In general, blocks shall be as long as is reasonable and consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. The block length shall not ordinarily exceed one thousand three hundred twenty feet or be less than five hundred feet.
- B. Width. Except for reverse-frontage parcels or when topographic conditions do not permit, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed. This width shall normally be not less than two hundred feet for the sum of two lot depths.
- C. Intersecting streets shall be so laid out that blocks shall not be more than one thousand three hundred twenty feet in length between rights-of-way. In the case of long blocks or oddly shaped blocks and to facilitate pedestrian access to parks, playgrounds, open space or schools, the subdivider may be required to construct pedestrian crosswalks of not less than five feet in width on a dedicated right-of-way or perpetual unobstructed easement of not less than ten feet in width, to extend through the block(s) at location(s) deemed necessary. Widths of blocks shall be such as to allow two rows of lots, except that blocks along the perimeters of a plat may have one row of lots.
- D. Blocks intended for commercial and industrial use shall be designed specifically for such purposes, with adequate space provided for off-street parking, loading and delivery.

16.19.060 Streets, curbs, sidewalks.

Street design shall adhere to the following standards:

- A. The minimum street right-of-way and roadbed widths shall be as indicated by the public works standards. The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivisions or for their proper projection when adjoining property is not subdivided.
- B. Local access streets will be designed primarily to provide access to abutting properties only and should be designed to discourage through traffic.
- C. All streets within the subdivision shall be dedicated to the city. Private street subdivision shall not be allowed.
- D. Street intersections shall be as nearly at right angles as is practicable and should not have an acute angle of less than sixty degrees. Street jogs with offsets of less than one hundred twenty-five feet between centerlines should be avoided. The number of intersections of local and collector streets with minor and major arterials shall be minimized. Intersections of local and collector streets shall be offset from one another a distance of at least one hundred twenty-five feet from centerline to centerline but preferably two hundred feet. Intersections of local or collector streets with arterials shall be no closer than one thousand feet apart from centerline to centerline. Proposed new intersections along one side of an existing street shall coincide, whenever possible, with any existing intersection on the opposite side of such street.
- E. Streets, curbs and sidewalks shall be constructed by the subdivider, all in accordance with the city's public works standards and all conditions of approval.
- F. Streets designed to have one end permanently closed or in the form of a cul-de-sac, shall be provided with a cul-de-sac turnaround having a minimum right-of-way radius as specified in the public works standards. If site constraints or topography make construction of a cul-de-sac infeasible, the city council may allow a "Y" or "T" turnaround permitting comparable ease of turning. Such streets in excess of five hundred feet should be avoided whenever possible.
- G. Timing and procedure for construction of sidewalks shall be as follows:
 - 1. All intersection curb ramps shall be constructed with roadway infrastructure required for the subdivision.

2. Sidewalks shall be constructed with roadway infrastructure required for the subdivision on all open space tracts, non-building lots, and on the major street frontage of double frontage lots.
 3. On buildable lots, construction of the sidewalk shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot.
 4. No later than three years after final plat approval or expiration of the plat performance bond or other security if one has been posted, the subdivider shall cause continuous sidewalks to be completed, including sidewalks in front of undeveloped lots or the subdivider shall be liable to the city for the cost of completing the sidewalk construction as estimated by the public works director.
- H. Streets shall be related appropriately to the topography and shall follow the more gradual natural contours of the land.
- I. Streets shall be designed so as to provide for continuation of principal streets in adjoining subdivisions and, where appropriate, allow for future opening of streets to possible adjoining subdivisions. In no case shall proposed streets extend existing streets at less than the width of the existing street.
- J. Where existing streets adjacent to or within a subdivision are of inadequate width or where the city's capital improvements plan or comprehensive plan indicate a need for a new street or additional right-of-way or realignment for an existing street, the subdivider shall dedicate necessary right-of-way to the city in the filing of the final plat. Where property adjacent to a subdivision is undeveloped and where the planning commission and city council determine that it is desirable to allow for future continuation of a street into the adjacent property, the street and right-of-way shall extend to the subdivision boundary. All temporary dead-end streets longer than one hundred fifty feet or serving more than four lots shall be provided an interim turning circle meeting the requirements for a permanent turnaround.
- K. Permanent dead-end streets shall terminate with a turning circle, and shall meet the right-of-way and pavement width requirements set forth in the public works standards.
- L. Street grades shall be per the public works standards.
- M. The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical, unless otherwise approved by the public works director.

16.19.070 Alleys.

- A. Alleys should be provided at the rear of all lots intended for commercial or industrial uses.
- B. Dead-end alleys shall be avoided wherever possible, but if unavoidable, shall be provided with turnaround facilities. Alley intersections and sharp changes in direction shall be avoided, but where they are necessary, corners shall be rounded sufficiently to permit safe vehicular movement. Except as otherwise provided in this title, alleys shall follow the general development standards governing streets.

16.19.080 Installation of utilities.

- A. All distribution laterals and primary and secondary lines and wires serving the subdivision, including those providing electric, street lighting, telephone, and cable television service, shall be placed underground. All utilities shall be installed to the property line of each and every lot prior to acceptance of improvements. The subdivider shall make necessary arrangements with utility providers or other appropriate persons for underground installations. This requirement does not apply to surface-mounted transformers, switching facilities, connection boxes, meter cabinets, temporary utility facilities used during construction, high-capacity transmission lines, electric utility substations, cable television amplifiers, telephone pedestals, cross-connect terminals, repeaters, warning signs or traffic control equipment.
- B. Sanitary sewers and water system improvements shall be installed at the developer's expense, to serve all subdivisions, by extension of the existing city sewer and water lines and improvements necessary to ensure reservoir capacities. Such facilities shall be designed and sized in accordance with the city's public works standards and shall be of sufficient capacity to accommodate the ultimate development density of all intended phases in adjacent areas.

- C. Timing for installation of lines, pipes, cables, hydrants and service connections for sanitary sewer, storm sewer, water, electric, gas, telephone, television, shall be completed after grading in the rights-of-way is complete and before any street base material is applied.
- D. Utility installations shall be in accordance with the city's public works standards, APWA specifications and the International Building Code unless otherwise approved by the city.
- E. A complete street lighting system, including conduits, wiring, concrete bases, poles, junction boxes, meter base, service cabinets and luminaries, shall be installed by the subdivider throughout the subdivision in accordance with the public works standards unless otherwise directed by KMC. Street lighting shall be aesthetically compatible with adjacent neighborhoods, hooded and oriented to the ground to preserve the night sky. Up-lighting for landscaping, entrance signs and recreational facilities shall be prohibited, unless otherwise approved by the public works director when needed to protect the public interest. The city may make exception to this rule to protect public health, welfare and safety. The city will ensure compliance with this requirement prior to final plat approval. The subdivider's contractor shall submit plans and manufacturer's technical information to the public works director and public utility district for approval of all specifications and materials used in the system.

16.19.090 Easements.

- A. Where alleys are not provided or as otherwise deemed necessary, easements for public utilities shall be provided on each side of all rear lot lines and side lines where necessary. Such utilities may include sewer, water, gas, electric, telephone, and television lines and cables. Easement width shall be as required per the public works standards or as approved by the public works director. Where practical and possible, the width of rear and side lot line easements shall be equally shared by abutting lots. When the utility easements are needed at corners, the size of the easement should be at least five feet by five feet. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required. Insofar as possible, easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions. Easements which do not lie along rear or side lot lines shall be at least ten feet wide unless otherwise approved by the city.
- B. Easements for unusual facilities such as high-voltage electric transmission lines, drainage canals or pondage areas shall be of such width as is determined to be necessary by the public works director for the purpose, including any necessary maintenance roads.
- C. If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a perpetual stormwater easement or drainage right-of-way conforming substantially to the seasonal high-water line of the watercourse and of such further width as will ensure protection of water-carrying capacity and access to the watercourse for maintenance of capacity. Such recorded easement or right-of-way shall be measured from the centerline of the watercourse and shall give to the appropriate authority access for purpose of maintenance of water-carrying capacity. Such easement may not be necessary where buffers are required by Chapter 15.02 KMC.
- D. A pedestrian walk right-of-way not less than ten feet wide shall be provided through approximately the midpoint of any block exceeding one thousand feet in length where such a walk is deemed essential to provide circulation or pedestrian access to schools, playgrounds, shopping centers and other community facilities.

16.19.100 Storm drainage system.

- A. A drainage system satisfactory to the public works director shall be required in all subdivisions. Such system shall conform to specifications of the public works standards. Underground storm sewers or drainage ways connecting or intended to connect in the future to storm sewers or drainage ways outside the subdivision may be required by the director.
- B. The drainage conveyance system shall be installed in the street rights-of-way. Storm sewer location shall conform with the public works standards.

- C. The developer may be required to replace or make improvements to storm sewers and other drainage systems off the subdivision site.

16.19.110 Clearing, grubbing and grading.

- A. All subdivisions shall be designed and constructed to follow natural contours to the extent feasible. Where extensive grading involving a majority of the site is unavoidable and necessary to create home sites and install required infrastructure, such admission shall be clearly indicated to the planning commission and city council during the preliminary plat application process. The applicant shall mitigate for extensive grading by incorporating landscaping, recreational amenities and other design elements into the project.
- B. Prior to the city's acceptance of improvements, all land to be dedicated in the subdivision outside of open space and buffer areas, shall be cleared and grubbed of downed trees, snags, brush, rocks, roots, rubbish and other debris and holes created by grubbing suitably filled with other than the debris, to the satisfaction of the director.
- C. All street rights-of-way shall be graded to their full width so that streets and sidewalks are constructed on the same plane. Where a street intersection involves cut embankments or vegetation inside a lot corner that may create a traffic hazard by limiting visibility, the subdivider may be required to cut such ground or vegetation in connection with the grading of the right-of-way to provide an adequate sight distance.

16.19.120 Average density option.

- A. Lot size averaging is permitted in the low-density residential R-1 zone subject to the following standards:
 1. Under the average density option, lots may be reduced in size below the minimum R-1 lot size standard; provided, that the average lot size of the total number of lots created is not below the minimum lot size standard, and the smallest lot is not less than five thousand square feet in area. Under this option, up to thirty percent of the proposed lots may be reduced in size in support of open space preservation, greater environmental protection and increased recreational opportunities. At the option of the city, up to sixty percent of the proposed lots may be reduced in size accordance with the above standards, when significant open space, landscaping, increased stream and/or wetland buffers, voluntary design standards, view protection, minimization of light pollution, inclusion of wildlife corridors and minimization of mass grading and clearing are included in the proposal. The minimum lot width and lot depth standards of KMC Title 17 may be reduced to accommodate the provisions of this section for the applicable lots utilizing the average density option. Common open space, including parks and recreational areas, may be set aside for use by the residential lot owners and such common land may be included in determining the average lot size of the lots to be created. Street rights-of-way, utility tracts and stormwater tracts shall not be used in determining the average lot size. Open space is as defined in Title 17. All fractional units pertaining to the percentage of lots eligible for lot size averaging shall be rounded upward.
 2. The location, size and use of common land proposed to be set aside for open space shall be reviewed and approved by the planning commission and city council as part of the plat review process. Open space shall be protected in perpetuity.
 3. Maintenance of common open space shall be guaranteed by trust indenture or a similar means of contract approval by the city council. Such instrument shall be filed with the Cowlitz County auditor simultaneously with the recording of the final plat. In the case of subdivisions proposing large tracts of or intensive use of common open space, the council may require a property owners association to be established and operated. If the council deems proposed common open space necessary and appropriate for a public park to address needs created by the subdivision, it may require that the open space be dedicated to the public.

16.19.130 Parks.

The planning commission and city council shall review the need for park development when reviewing preliminary subdivision plats and may require the developer to dedicate land for park development and construct improvements thereon as a condition of approval in accordance with this title. Applicant-paid park improvements shall be constructed prior to final plat approval, unless otherwise approved by the city. As agreed to by the city, a fee in lieu of park land dedication proposal may be considered in accordance with RCW 82.02.020 and such fee shall be paid prior to final plat approval, unless otherwise authorized by the city. The developer should meet with the Kalama park board prior to final park design to review preliminary recreation proposals.

16.19.140 Natural features preservation and landscaping.

- A. Plats shall be designed to preserve and enhance significant natural features and resources, including but not limited to natural contours, watercourses, marshes, scenic points and views, large trees, natural groves, rock formations, and sensitive areas; to be compatible with aesthetic values of the area; and to reflect natural limitations inherent in the property. Mass grading shall be limited to the minimum necessary to construct site infrastructure and provide a typical home site.
- B. Plats shall be designed to minimize impacts on adjacent properties and on off-site or citywide public facilities and services, such as streets, drainage ways and storm sewers.
- C. Plats shall be designed to preserve to the extent possible significant trees as defined by Section 16.04 KMC and as more specifically set forth in this section. When the preservation of at least twenty percent of significant trees, inclusive of those found in preserved critical area buffers and open space or recreation tracts, is deemed not feasible, the subdivider shall mitigate for the loss of tree canopy by incorporating additional landscaping, tree plantings and/or buffer enhancements (if applicable) or through other means as approved by the city. Significant trees that will remain on-site shall be protected during construction through the use of fencing, rock wells and other means that provide protection corresponding to the drip line of the tree(s), which is the vertical projection of the foliage at its greatest circumference. Assurances shall be provided to ensure the long-term protection of significant trees, or trees planted as mitigation, via notations on the final plat and within recorded covenants. Exemptions may be included to allow removal of those trees deemed dangerous or hazardous to public health, safety and welfare by a professional arborist.
- D. Cut-and-fill embankments for streets shall be seeded to provide a soil-holding vegetative cover or otherwise protected against erosion.
- E. Street trees. Prior to issuance of an occupancy permit for a lot, street trees shall be planted per the following standards:
 1. Shall be at least five feet in height at time of planting and be spaced at approximately thirty-foot intervals on center;
 2. Shall be of a type and species approved by the public works director;
 3. Shall be located behind the sidewalk (or centered between the curb and sidewalk, if the city authorizes utility/planting strips per subsection F); and
 4. Shall be at least thirty feet from any corner where curb lines intersect; and shall be planted and maintained in accordance with the APWA specifications.
- F. Utility/Planting Strips. Unless otherwise approved, all subdivisions shall not utilize a planting strip between the sidewalk and curb. If a utility/planting strip is required as part of subdivision approval, prior to issuance of an occupancy permit for a lot, the utility/planting strip abutting the curb adjacent to the lot shall be planted in grass or other approved landscaping and with street trees per subsection E. The planting strip shall be at least three and one-half feet wide or as approved by the director.
- G. Screening shall be implemented as follows:

1. Fences, hedges or landscaping buffer strips shall be installed to separate residential zoning districts from commercial or industrial zoning districts or uses in conformance with the zoning ordinance standards.
2. In the case of residential subdivisions abutting major arterials, the subdivider shall provide a buffer strip a minimum of ten feet wide along the property line abutting the arterial. Hedges or trees shall be planted in the buffer strip of a height that will become a solid, effective sight screen within three years, unless existing vegetation provides substantial screening.
3. Fencing may be required to limit access to areas that may be hazardous to the public, including stormwater detention ponds and facilities. Landscaping shall be required along the perimeter of the fence and may include a mix of trees and shrubs.

16.19.150 Phasing of subdivisions.

- A. If the preliminary plat was approved as a phased subdivision, then the final plat may be submitted in corresponding phases.
- B. The city council may attach conditions to the approval of a phased subdivision to ensure the timely and orderly completion of the entire subdivision.
- C. A preliminary plat approved by the city council which was not submitted for phased development, shall not be broken into phases at the time final approval is sought unless the approved preliminary plat is modified in accordance with this title.

16.19.160 Latecomer reimbursement.

- A. Agreement on the city's part to invoke the process set out in either RCW 35.72 or RCW 35.91 is declared to be strictly discretionary with the city and the city's denial of such a request shall establish no rights of action on the part of any potentially benefiting developer whatsoever. Further, the process for latecomer reimbursement for any type of improvement shall not be deemed commenced until the city council, by majority vote, has accepted the application of a developer.
- B. As a condition to applying for a latecomer reimbursement contract, the applicant shall be required to execute a disclaimer acknowledging that the city shall not be liable for contribution or damages in the event the developer does not recoup contribution from latecomers due to lack of development or neglect by the city in collecting the contribution. Such disclaimer shall not be construed, however, to imply that the city is not obligated to distribute actual amounts collected from latecomers to the developer.
- C. Application/Processing Fees.
 1. A nonrefundable application fee as established by resolution of the city council shall accompany any such application. Water and sewer facilities to be installed simultaneously may be combined in one application. Application for street projects must be separate and shall require a separate application fee.
 2. In the event the city council accepts the application, a processing fee shall be established for each application which shall be no less than two hundred fifty dollars. Such fee shall be established by the city council.
- D. The processing of latecomer contract requests shall be in compliance with the policies and procedures prepared by the public works director and approved by the city council.

16.19.170 Assurance for completion and maintenance of improvements.

- A. Responsibility for Construction and Installation of Improvements.
 1. It shall be the responsibility of the subdivider to construct and install permanent and interim improvements required by this chapter or otherwise required by the city council within the boundaries of the approved preliminary plat, with the expense of making such improvements to be borne solely by

the applicant. However, the city council may form a local improvement district when an improvement will serve a wider area than the subdivision alone. Work performed within current or future public right-of-way shall comply with the bonding requirements of this section and the public works standards and this section. For improvements located outside of current or future public right-of-way, the director may require the developer to submit quarterly or less frequent status reports indicating construction progress (drawings may also be required), when deemed necessary to protect the public health, safety and welfare.

2. Construction, repair, expansion, improvements or other provision of off-site improvements required by the city council as part of preliminary plat approval shall be the responsibility of the applicant, unless the city council resolves to share the responsibility and cost with the applicant or to create a local improvement district to bear the entire cost or a portion thereof.
3. The city council may defer construction or installation of any improvement required by this chapter when in its judgment future planning considerations, lack of connecting facilities, or other circumstances make the improvement inappropriate at the time. In such event, the council may require one or more of the following prior to final plat approval:
 - a. That the applicant dedicate land for future construction or installation of the improvement;
 - b. That the applicant pay to the city their share of the cost, as estimated by the public works director, of constructing or installing the improvement at a later date; said payment shall be held in an account reserved for future improvement, and any unused portion shall be returned to the subdivider; and/or
 - c. That the applicant post a bond or other security in conformance with this chapter assuring completion of said improvement by the applicant at the demand of the city.

B. Options for Completion of Permanent and Interim Improvements.

1. Permanent Improvements. No final plat shall be approved by the city council unless one or a combination of the following methods assuring completion and maintenance of permanent improvements required of the subdivider is satisfied:
 - a. All improvements of the subdivider have been completed by the subdivider to the satisfaction of the public works director; or
 - b. The subdivider posts a plat performance bond, in an amount and with surety and conditions satisfactory to the city, in a form approved by the city attorney, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city, and expressed in the bond. All bonds must be consistent with the standards of this chapter and the public works standards; or
 - c. The subdivider submits a letter of credit from a bank, on a form approved by the city attorney, authorizing a draft from the bank for an amount sufficient to assure satisfactory completion of improvements; said letter shall be accompanied by an agreement between the subdivider and the city as set forth in this section; or
 - d. The subdivider submits a certified or cashier's check or assignment of funds, on a form approved by the city attorney, securing to the city the satisfactory completion of the incomplete portion(s) of the improvements required of the subdivider. Such check or assignment shall be made payable to the city, and shall be accompanied by an agreement between the city and subdivider as set forth in this section.
2. Maintenance Bonds. In addition to the above, the city shall require the posting of a maintenance bond, in a form approved by the city attorney, securing to the city the successful operation of improvements for two years after final plat approval or acceptance of the improvements by the city council for ownership and maintenance, whichever is later. The maintenance bond shall be for fifteen percent of the cost of the improvements.
3. Interim Improvements. In any case when a subdivider is required to construct an interim improvement, one or a combination of the forms of security set forth in this section shall be required to assure maintenance of the interim improvements until the permanent improvements are constructed, and, at the appropriate time as determined by the public works director, removal of the interim improvement.

C. Conditions of Bond or Agreement.

1. Any plat performance bond or other security posted in conformance with this chapter shall be subject to the conditions of this section. In the event of personal bonds, letters of credit, checks or assignments of funds, there shall be executed a formal agreement between the city and the subdivider prior to final plat approval fulfilling the conditions of this section.
2. The improvements to be completed and maintained, and in the case of interim improvements, the improvements to be maintained and removed by the subdivider shall be specified in the bond or agreement.
3. The amount of any bond or other security posted or submitted shall be at least one hundred fifty percent of the cost of completion of improvements as estimated by the director. In the event of interim improvements, the amount shall include the cost of their completion, maintenance and removal as estimated by the public works director. The subdivider may provide cost estimates to the director.
4. The period in which improvements must be completed shall be specified in the plat performance bond or agreement, which period shall not exceed eighteen months from date of final plat approval. Requests for extension shall be made to the planning commission for consideration at a public meeting and shall require a recommendation from the public works director. The commission shall determine whether sufficient progress has been made and good faith indicated to warrant an extension. The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions.
5. Any plat performance bond or agreement shall provide that in the event the specified improvements are not completed within the time limit, the city may declare the bond or agreement to be in default, may complete the work to city specifications, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner of the security. If the amount of the plat performance bond or other security is less than the cost incurred by the city, the subdivider shall be liable to the city for the difference. If the amount is greater than the cost incurred by the city, the city shall release the remainder. In the case of any suit or action to enforce provisions of this chapter, the subdivider shall pay to the city all costs incidental to litigation, including reasonable attorney fees.
6. Any plat performance bond or agreement posted or secured under this chapter shall be binding upon the subdivider, their heirs, successors and assigns.
7. Inspection, Maintenance and Removal. Any plat performance bond and any agreement accompanying other secure methods shall include inspection costs.

D. Inspection and Maintenance of Improvements.

1. Improvements shall be inspected by the public works director or designee at the start, during, and at completion of construction and installation. The person, firm or contractor actually performing the work shall notify the director at least twenty-four hours in advance of commencing operations or commencing any construction phase.
2. After completion of improvements, the subdivider shall reimburse the city for the actual cost of the inspections. The city shall have authority to invoke any bond or other security posted by the subdivider to recover actual inspection costs from the subdivider, surety company, bank or cosigner or to seek other remedy.
3. As assurance against defective workmanship or materials employed in the construction or installation of permanent improvements dedicated to the public, the subdivider at his expense shall be responsible for maintenance of and correction of any defects in said improvements for a period of two years following certification of completion by the public works director. If improvements are not maintained or if defects are not corrected as requested by the director, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.

4. The subdivider shall be responsible for maintenance of interim improvements, and, at the time deemed appropriate by the public works director, for their removal. If interim improvements are not adequately maintained, and at the appropriate time removed, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.
- E. Issuance of Building Permits. No building permit shall be issued prior to final plat approval and until site improvements and infrastructure is deemed adequate by the city. No occupancy permit shall be issued prior to satisfactory completion of required improvements unless otherwise bonded for and approved by the city.
- F. As-Built Plans. After completion of all required improvements but prior to acceptance of completed work by the public works director, the developer shall furnish the director with an acceptable set of reproducible plans indicating the as-built condition of the work. Such plans shall show all changes, additions and deletions in alignments, grades and other engineering detail from the original detailed construction plans, all of which shall be certified by an engineer registered in the state of Washington responsible for the work.

16.19.180 Modification to adopted standards.

- A. To provide opportunities for unique development designs and the ability to accommodate site constraints, the city council, upon recommendation from the planning commission, may consider modifications to the adopted standards of this title, including the public works standards, if the applicant demonstrates that all of the following criteria are met:
 1. There are topographical or physical conditions such as steep slopes, wetlands, water area structures, streets, utilities, lot patterns, street patterns or other conditions that justify departure from strict adherence to the standard to be modified; and
 2. That the modification is consistent with sound engineering principles and it will be safe, practical and efficient; and
 3. That the proposed modification is consistent with the intent and purpose of the standard being modified; and
 4. That the proposed modification is consistent with the goals and policies of the comprehensive plan.
- B. Requested modifications shall be included in the preliminary plat application and will be reviewed concurrently with the preliminary plat application. An applicant proposing to vary from this title and/or the public works standards shall provide an analysis detailing probable impacts that would result if a modification was not approved. A visual representation and/or drawing shall be included, as applicable.
- C. Variances to Title 17 (Zoning). Requested zoning variances that are submitted and processed in conjunction with a preliminary plat shall be reviewed and a decision issued concurrently by the city council utilizing the criteria above and KMC Chapter 16.09. A single combined public hearing notice and notice of application/SEPA notice should be utilized.

Chapter 16.20 - PLANNED UNIT DEVELOPMENTS

16.20.010 - Purpose and Summary.

The intent of this chapter is to promote greater flexibility and, consequently, more imaginative design for the development of residential areas than generally is possible under conventional zoning and subdivision regulations. It is further intended to promote more economical and efficient use of land while providing for a harmonious variety and grouping of housing types, a higher level of urban amenities, the use of solar energy and conservation design principles, and preservation of open spaces and areas identified or believed to be hazardous for development. The planned unit development (PUD) option offers the developer increased density, lower costs, permissive variation in zoning and subdivision standards, and opportunities to carry out architectural and energy conservation themes, in

return for which the city realizes higher quality living environments with lower energy demands than normally obtained by traditional subdivision development.

16.20.020 Applicability

These regulations may be invoked at the option of the developer and with the approval of the city in all residential use districts; provided, that in furtherance of the comprehensive plan, the city may require subdivisions in areas of geologic hazard or steep slope to comply with this chapter.

16.20.030 – Review Process.

- A. Planned Unit Developments Shall be processed as a Type IV application 16.03.130.40. The Site Plan and Plat shall be reviewed as one application under a Planned Unit Development.
- B. The commission may recommend and the council may impose conditions found necessary to prevent detrimental impacts, to otherwise protect the best interest of the surrounding area or the city as a whole, or to further the purpose of this chapter. In addition to conditions otherwise permitted by this title, such conditions may include but are not limited to the following:
 - 1.Limiting the manner in which uses are conducted, including restricting the time an activity may take place;
 - 2.Establishing an open space area, lot area, yard, setback or dimension;
 - 3.Limiting the height, size or location of a building or other structure;
 - 4.Amending the layout of streets and lots in order to more fully meet the guidelines and requirements of this chapter;
 - 5.Increasing the amount of street dedication, street pavement width or improvements in the street right-of-way;
 - 6.Designating the size, location, screening, drainage system, surfacing or other improvement of a parking area;
 - 7.Requiring greenbelts, buffer strips, landscaping, berms, fences or other means to protect adjacent or nearby property and designating standards for their installation;
 - 8.Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other resources.
- C. Effect of Approval of Preliminary Site Plan and Preliminary Plat. After council approval of the preliminary plat, preliminary site plan, and accompanying material and after submission and director of public works approval of the detailed construction plans, the developer may proceed to install the agreed-upon improvements of a public nature, landscaping and recreational facilities, excluding buildings, or to pursue the other options assuring completion of such improvements, landscaping and recreational facilities set forth in Chapter 16.19 KMC. Such improvements shall conform to the approved preliminary site plan and accompanying materials, preliminary plat and the detailed construction plans.
- D. Final Approval.
 - 1.Within the time limits for final plats set forth in 16.03.130.40 of this title, the applicant shall submit:
 - a. A final site plan containing in final form the information required in the preliminary site plan;
 - b. Covenants conforming to this chapter;
 - c. Articles of incorporation and bylaws for the property owners association established pursuant to this chapter;
 - d. Final floor plans of buildings for recreational use and/or passive solar systems and design as granted pursuant, to this chapter;
 - e. If not included in the final site plan, final landscaping plan showing trees and ground cover to be retained and planted;
 - f. Final plat.

- E. The final plans and final plat shall conform to the approved preliminary plans and preliminary plat. They shall be submitted, reviewed, and in the case of the final plat and the covenants, recorded, in the manner and subject to the limitations and specifications set forth in 16.77.090-100. Copies of the approved final site plan, covenants, articles of incorporation, association bylaws, resolution of approval, final plat, applicant's written statement of purpose and intent, floor plans, landscaping plans and other supplementary materials shall be filed together in the office of the city clerk-treasurer for the city's permanent record.

16.20.040 – Submittal Requirements

Preliminary Site Plan and Other Application Materials. Persons desiring approval of a PUD shall submit the preliminary plat copies and supplementary materials required by 16.03.130.040, and, in addition, the following materials to the city clerk-treasurer:

1. Copies of a preliminary site plan, one copy accompanying each preliminary plat copy. Contents of the preliminary site plan shall be in accordance with Chapter 16.16 of this title;
2. If proposed landscaping cannot be accommodated on the preliminary site plan, a landscaping plan showing trees and ground cover to be retained and planted;
3. Elevation (side view) and perspective drawings of proposed structures, and such other schematic sections, sketches and study models needed to convey the architectural character;
4. Floor plans of buildings for recreational use;
5. A written statement of purposes and intent, explaining:
 - a. The character of the development,
 - b. The manner in which it has been planned to take advantage of this chapter,
 - c. How the public will benefit as a result of deviation from the city's underlying zoning regulations,
 - d. The basic content of covenants that will govern the use, maintenance and continued protection of the development and any common open space, if provided, and assurance of solar access,
 - e. Timing for the construction and installation of improvements, buildings, other structures and landscaping,
 - f. Recreational equipment and facilities to be installed,
 - g. The ability of the applicant to carry out the project to completion.

16.20.050 Permitted Uses

Uses permitted in a PUD include:

1. The combination of permitted and accessory uses listed in the zoning ordinance for residential use districts together and including condominiums, which shall also be subject to Chapter 16.16 of this title;
2. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, golf courses, trails and structures accessory to such facilities;
3. Community halls or social clubs, churches, schools and libraries;
4. Zero lot line development, as defined and restricted by this chapter.

16.20.060 Permissive variations in requirements

Subject to the limitations specified as minimum requirements below, the standards of the zoning ordinance concerning minimum lot size, width, depth, frontage, coverage, setbacks, building height, distance between buildings, and outdoor living areas shall not apply to PUDS, except as a guide. Use of the procedure provided in this chapter superimposes each approved PUD on the underlying zoning district regulations as an exception to such regulations to the extent that each approved PUD shall modify and supersede the regulations of the underlying zoning district. The city's public works standards may be modified in accordance with this title.

16.20.070 Dimensional and Bulk Standards

Parcel Size. There is no required minimum size for a parcel of land to qualify for application of this chapter. However, parcels generally should be at least one and one-half acres in size.

B. Site Coverage. The percentage of coverage of the gross acreage by buildings and structures, exclusive of streets, shall not exceed fifty percent.

C. Distance Between Buildings and Privacy. The distance between buildings designed for multifamily residential use shall be at least twenty feet. However, every PUD shall provide reasonable visual and acoustical privacy for dwelling units and surrounding properties. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of the property and surrounding properties, for the screening of objectionable views or uses, and for reduction of noise. Building spacing requirements may be increased when light to neighboring structures or property otherwise would be substantially reduced.

D. Building Height. Buildings shall not be more than three stories high or more than thirty-five feet in height, except that a greater height may be approved if surrounding open space is increased or other design features are used to avoid any adverse impact or loss of privacy due to the greater height.

E. Setback Along Perimeter of Development. The perimeter of the development shall be aesthetically compatible with the land uses of adjoining properties. Existing uses adjacent to a PUD shall be afforded reasonable privacy and protection. Structures located on the perimeter within the development must be set back at least the distance pertaining to the zone in which the development is located. Screening by means of fences, walls, buffer strips or greenbelts should be considered and may be required to afford protection to adjacent property comparable to that otherwise required by the zone. The method of screening, however, should not, if at all possible, shade south-facing walls and roofs of residences on adjacent properties.

16.20.080 - Improvements of a public nature.

Improvements of a public nature shall be dedicated or reserved to public uses and designed and constructed in accordance with this title. Improvements of a public nature include streets, sidewalks, water and sanitary sewer lines, storm sewers and other drainage devices or ways, street lights and electric, gas, telephone, and television lines and cables. However, the city council may permit streets to be built to a lesser standard if:

- A. The proposed street design and construction is acceptable to the city fire chief or fire district representative, police chief and public works director;
- B. The proposed circulation system provides for separation of vehicular and pedestrian circulation patterns and for adequate off-street parking facilities;
- C. The street design will further the purposes of this chapter for design innovation and better living environments;
- D. The design and construction are adequate to protect the public health, safety and welfare of the entire city.

16.20.090 - Off-street parking.

Every PUD shall provide off-street parking spaces, which shall conform to the zoning ordinance with respect to number, size, location, surfacing and lighting. In addition, the following standards shall apply:

1. Parking areas shall be so arranged as to prevent through-traffic to other parking areas;
2. Parking area shall be screened from adjacent structures and streets with hedges, dense planting, earth berms, changes in grades, fences or walls;
3. No more than fifteen parking spaces shall be permitted in a continuous row without interruption by landscaping;
4. No more than sixty spaces shall be accommodated in any single parking area;
5. Parking areas shall be adequately lighted;
6. Area for storage of boats, recreational vehicles and other equipment shall be screened and fenced. These areas should be located in shaded areas and other locations which are not suitable for solar access to buildings;
7. Parking areas shall be located, if at all possible, on the northerly side of buildings, in shaded areas and in locations which are not suitable for or will not diminish solar access to buildings.

16.20.100 - Open space.

A. General. Open space is an essential component of the PUD. While no specific amount or percentage of open space is required, no PUD shall be approved without significant provision of usable open space. Provision of open space in PUDs shall be guided by and shall conform to the definitions and guidelines of this section.

B. Open Space Defined. For the purposes of this chapter, open space is improved or unimproved area that is: (1) designated and maintained for active or passive recreation, other activities normally carried on outdoors, visual buffering, or for preservation in a natural state because of natural assets or unsuitability for development, and (2) not covered by buildings, parking structures, parking lots or accessory buildings, except that structures appropriate for the authorized recreational use of the open space may be sited on the open space and used to conserve or enhance the amenities of the open space. Additionally, landscaped roof areas that are devoted to recreational or leisure-time activities, freely accessible to residents, structurally safe, and adequately surfaced shall be considered open space. Open space does not include street right-of-way, parking lots or yards in platted lots.

C. Open Space Guidelines.

1. Most of the total area designed as open space should be contiguous rather than scattered around the development in small parcels and should be accessible to all residents.
2. The area of any parcel designed for active recreational use shall not be less than six thousand square feet nor less than thirty feet in width or length.
3. Areas documented in geologic reports prepared pursuant to Section 16.40.020 of this title as being hazardous or probably hazardous to develop shall be reserved as unimproved open space.
4. While it is the intent of this chapter that areas unsuitable for development because of identified or probable hazard or steep slope be included in the open space, it is also the intent that the PUD design be superior in the amount of usable space for recreational activity.
5. The amount, use and character of the open space shall be appropriate for the expected population and number and type of dwelling units.

6. If a PUD is to be developed in phases, the development schedule shall coordinate the provision and improvement of the open space with development of the area for residential buildings, so that no phase shall be without significant amount of open space. The council may require a certain amount or certain sites of open space to be provided with any development phase.

D. Open Space Ownership and Maintenance. All area shown as open space on the plats and site plans required herein shall be conveyed and maintained under the following options:

1. If open space is suitable for general public use and a public agency agrees to maintain it, the open space, including any buildings, structures or improvements thereon, may be dedicated to the public;
2. If open space is appropriately intended for use solely of the residents of the development, it shall be conveyed to an association of property owners created as a nonprofit corporation under the laws of the state, through which the property owners shall own undivided interest in the open space. In such case, the developer shall file with the city copies of the articles of incorporation and bylaws of the association. In addition, the developer shall present for recording with the final plat a declaration of covenants acceptable to the city council and city attorney, which covenants shall provide for the following:
 - a. The property owners association will be established by the developer before any properties in the PUD are sold,
 - b. Membership in the association will be automatic and mandatory for each property buyer and any successive buyer,
 - c. Use of the common open space will be restricted as shown on the approved final plat and final site plan, and the restrictions will be permanent, not just for a period of years. In lieu of a covenant permanently restricting use of the common open space, the developer may convey and the city may require conveyance of the development rights to the city,
 - d. The association will be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities,
 - e. Property owners will pay their pro rata share of the cost of the insurance, taxes and maintenance. The assessment levied by the association can become a lien on the property, and foreclosures can be instituted to collect defaulted payments,
 - f. The association will be able to adjust the assessment to meet changed needs,
 - g. The city will be authorized to enforce the covenants to ensure maintenance.

16.20.110 - Density and density bonus.

A. Determining Permitted Density. The density of dwelling units in a PUD shall be in accordance with the gross density allowed in the zone or zones in which the PUD is proposed. However, where there is excellent project design and open space provision, an increase in gross density up to ten percent greater than the maximum allowed in the zone or zones may be allowed. Up to an additional twenty percent increase in gross density may be allowed if energy conservation and solar access criteria are met (subsection B of this section). This density bonus may be applied and granted independent of the other density bonus criteria. In determining whether a density bonus is appropriate, the commission and council shall evaluate the PUD proposal against the criteria listed below. For a proposal to qualify for a full ten percent bonus, it must be determined by the council that the criteria are met or can be met by observance of conditions. A lesser bonus to a degree deemed appropriate may be allowed if some of the criteria are satisfied.

B. Density Bonus Criteria.

1. Open Space.

- a. Residential streets are oriented east-west with no greater deviation than twenty-five degrees therefrom;
 - b. Significant recreation areas are developed and equipped with such features as trails, landscaped open areas, ponds, pools, tennis courts, children's play areas, etc.;
 - c. A significant portion of the open space is well drained, of minimal slope, and easily accessible;
 - d. Greenbelts are provided around perimeters of the development.
2. Internal Circulation.
- a. Provision is made for an internal bike and pedestrian system obviously separated from heavy auto traffic;
 - b. If multifamily dwellings are proposed, parking lots are covered or provided under buildings;
 - c. Parking lots are small (ten to twenty spaces in a group) and interspersed with landscaping.
3. Lots, Housing Types and Siting.
- a. A variety of housing types and architectural styles are provided allowing for a range of prices and rents;
 - b. Seventy percent of subdivided lots, if any, are oriented with north-south axes within twenty-five degrees of true south; or
 - c. Residential and community buildings are oriented primarily with the long axes running within twenty-five degrees of true south regardless of lot orientation or otherwise sited to enhance solar access; or
 - d. Sixty percent of the residential buildings and any community buildings in the ultimate development incorporate active or passive solar systems and passive solar design. These criteria shall be entitled to an automatic ten percent density bonus and shall be recorded on the final plat as a deed covenant for those lots best sited for these buildings. The applicant must submit proven design plans for such buildings;
 - e. Dwellings are grouped, attached or detached, in clusters around open space or in townhouse arrangements or zero lot line development is incorporated (Section 16.20.120 of this chapter);
 - f. Taller buildings are located north of shorter buildings and the overall location and bulk of buildings do not cast shadows on south-facing walls and roofs between ten a.m. and two p.m., on January 21st;
 - g. Areas of greater density than is otherwise permitted in the zone are adequately screened or set back from perimeters to assure compatibility with adjacent land uses.
4. Public Facilities and Services.
- a. Water and sewer lines lie within or adjacent to the site and the city's treatment systems can accommodate the projected load increase without stress. Fire flow standards can be met;
 - b. Traffic generated by the development will not have substantial impact on existing local streets in the surrounding area;
 - c. If off-site public facilities or services due to be affected by the project are inadequate, the developer in some manner deemed appropriate by the director of public works and council provides for off-site improvements.

5. A detailed landscaping plan is provide that provides for significant site improvements;
6. Covenants. The plat or other officially recorded map contains a deed covenant stating in effect that the city required that no buildings will be constructed or landscaping installed or managed which will block solar access to south-facing walls and roofs between, at least, ten a.m. and two p.m., PST, on January 21st. If active or passive solar systems and design are incorporated, deed covenants will be provided for each affected lot and shall state that solar access will be preserved to the system or design between, at least, ten a.m. and two p.m., PST, on January 21st.

16.20.120 - Zero lot line development.

A. Nature and Purpose. Zero lot line development is one siting approach consistent with the intent of this chapter. For the purpose of this chapter, zero lot line development is an approach whereby a single-family detached dwelling is sited on one side lot line with no side yard provided, and the dwelling on the lot abutting the zero lot line is sited on its side lot line farthest from the zero lot line. The approach is shown in Figure 16.20.120-1. The intent of this section is to provide for a housing design befitting small lots and higher density, to encourage increased usable yard on a lot, and to allow flexibility in housing development.

B. Standards. To ensure adequate light, air, privacy and maintenance, zero lot line development shall be subject to the standards herein. For single-family detached dwellings to be located on a side lot line with no setback, the following conditions shall apply:

1. The lot adjacent to the zero setback side yard shall be under the same ownership at the time of initial construction.
2. The side yard setback on the lot adjacent to the zero setback side yard shall be at least ten feet.
3. The side yard setback on the lot adjacent to the zero setback side yard shall be kept perpetually free of permanent obstructions such as a tool shed or a fence without a gate.
4. An easement of five feet in width shall be provided on the adjacent lot for maintenance of the exterior portion of the lot line wall.
5. A lot developed with a zero setback side yard may be as small as four thousand square feet in area and may be as little as forty feet in width at the building line.
6. A lot developed with a zero setback side yard must have no less than one thousand seven hundred square feet of total area unobstructed by buildings.

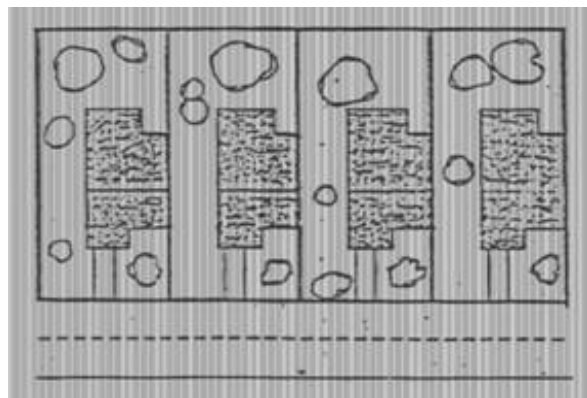


Figure 16.20.120-1. Zero Lot Line Development Example

16.20.130 - Control of development.

A. Permits.

1. No building permit may be issued until recording of the final plat and approval of the final site plan.
2. The construction and improvement, including landscaping, of open spaces and recreational facilities and the installation of improvements of a public nature must be complete or nearly complete before any certificate of occupancy for a dwelling will be issued, except that certificates may be issued for model buildings.
3. Applications for building permits shall be in accordance with the approved final site plan (as to location, dimension, height and bulk of buildings) and floor plans of recreational buildings and, if applicable, residential buildings with active and/or passive solar systems. Submission of a new final site plan or floor plan for review by the commission and council shall be required if any major change from the approved final site plan or floor plan is proposed, including any increase in floor space or number of dwelling units, decrease in amount of parking facilities, location closer to boundary lines, or change in points of ingress or egress.

B. Site Plan Continues to Control After Completion.

1. The final site plan shall continue to control the PUD after its completion. The use of the land and the construction, modification or alteration of a building or structure within the PUD shall be governed by the approved final site plan.
2. After completion of the PUD, no change shall be made in development contrary to the approved final site plan without approval of an amendment to the plan, except as follows:
 - a. Minor modifications of existing buildings or structures may be authorized by the building inspector if the modifications are not inconsistent with the purposes and intent of the final plan.
 - b. A building or structure that is destroyed or substantially destroyed may be reconstructed without an amendment of the site plan if the reconstruction complies with the purposes and intent of the PUD.
3. An amendment to a final site plan may be approved if it is required for the continued success of the PUD, if it is appropriate because of changes in conditions that have occurred since the final site plan was approved, or if there have been changes in the development policy of the city as reflected by the comprehensive plan or related land use regulations.
4. No modification or amendment to a final site plan is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the PUD; and all rights to enforce the covenants against any change permitted by this section are expressly reserved.
5. Application for amendment of final site plans shall be considered by the planning commission consistent with the procedural requirements of this chapter. The commission shall forward recommendations to the council, which shall have sole authority to approve or disapprove amendments.

C. Change of Ownership and Expiration of Approval.

1. If a developer sells the PUD parcel after preliminary plan and preliminary plat approval, such sale shall not prevent final plan and plat approval, providing that any succeeding owner agrees to comply with the conditions of preliminary approval and the requirements of this chapter.
2. In the event that approval of a preliminary plat and preliminary plans expires because of failure to meet the time limitations set forth in Chapter 16.03.030 of this title, uses allowed within the parcel shall be controlled by the zoning district designation and zoning regulations.

3. If work on a PUD is abandoned, meaning that the developer has failed to diligently pursue the project and construction and installation of improvements, buildings and other structures will not be completed, approval of the final site plan shall expire and the city shall so notify the owners and subdivision agents. Any uses or structures that have been completed and that are inconsistent with the zoning ordinance shall be deemed nonconforming uses. Any further construction shall be consistent with the underlying zoning designation and zoning regulations.

Chapter 16.21 - MANUFACTURED HOME PARK

16.21.010 Regulations and conditions.

Construction and maintenance of a new manufactured home park or expansion of an existing manufactured home park shall be in accordance with the standards established by this chapter. Any expansion or modification to a pre-existing/nonconforming manufactured home park shall be completed in compliance with this chapter.

- A. A manufactured home park shall consist of not less than three acres of land;
- B. Access to any manufactured home park shall not require intensive use of any minor residential streets;
- C. Any person or persons operating a manufactured home park must possess a valid permit to do so from the county health department and a valid city business license;
- D. Every manufactured home park shall conform with Chapter 76 of the Rules and Regulations of the Washington State Department of Health;
- E. Every manufactured home shall be situated on its individual manufactured home space, such space to have an area of not less than one thousand five hundred square feet;
- F. Every owner or operator of a manufactured home park shall maintain such manufactured home park and all permanent equipment in connection therewith in a clean and sanitary condition, and shall maintain said equipment in a state of good repair;
- G. All manufactured home parks or expansion of same, shall submit, along with accompanying site development plans, proof of compliance with provisions for flood hazard protection as set forth in Chapter 14.16 of this code if applicable.

16.21.020 Use of buildings and land.

No buildings or land within the boundaries of a manufactured home park shall be used for any purpose except for the uses permitted by this chapter.

16.21.030 Application—Detailed plan submission.

At the time of application for a license for a new manufactured home park or the expansion of an existing park, the applicant shall submit twelve copies of the following required detailed plans and specifications drawn by a licensed engineer:

- A. New structures;
- B. Water and sewer systems;
- C. Electrical system;
- D. Roads, sidewalks, patio and manufactured home stand construction;
- E. Drainage system;
- F. Recreation area improvements;
- G. A landscape plan prepared by a landscape specialist;
- H. Before construction of any swimming pool, two copies of plans approved by the State Board of Health shall be filed with the city building inspector.

16.21.040 Approval of plan.

Before a plan is approved for construction of a new manufactured home park or to expand an existing park, the proposed location shall be approved for manufactured home park purposes in accordance with this chapter. The review shall proceed in the manner and with the limitations provided in Chapter 16.03.120.30.

16.21.050 Minimum site requirements.

The minimum site requirement for a new manufactured home park or expansion of an existing park is as follows:

- A. **Lot Size.** The minimum site shall be three acres, however, this provision shall not apply to expansion of existing parks. The maximum number of acres shall be fifteen.
 - 1. The density shall be ten units maximum per net acre;
 - 2. The minimum manufactured home park width adjacent to a street right-of-way shall be one hundred feet.
- B. **Maximum Height.** The maximum height of any structure shall be twenty feet as measured from grade.
- C. **Buffering.** A ten-foot buffer zone shall exist around the perimeter of the park. Buffering or screening with landscape planting, fencing, walls or any combination thereof is required in order to make the manufactured home park compatible with its adjacent surrounding residential or nonresidential area. All fencing or walls shall be a minimum height of six feet. Landscape plantings are required to reach the minimum height of six feet within five years of construction.
- D. **Space Requirements.**
 - 1. Each manufactured home space shall have a minimum area of not less than one thousand five hundred square feet. Each manufactured home space shall be a minimum of thirty feet in width and shall abut on a drive with unobstructed access to a street. Such spaces shall be clearly defined. Manufactured homes shall be located in such spaces with a minimum of ten feet between manufactured homes or between a home and any building except storage buildings.
 - 2. Each manufactured home space shall be improved with one patio of concrete or other suitable impervious material having a minimum area of one hundred fifty square feet.
 - 3. Each manufactured home space shall have a stand size equal to or greater than the dimensions of the manufactured home located on the stand.
 - 4. Permanent structures located within any manufactured home space shall be used for storage purposes only, shall have a minimum area of thirty-two square feet, and shall be located not less than six feet from manufactured home. These structures shall be uniform and included in the plans submitted to and approved by the planning commission. Permanent structures shall comply with the International Building Code as adopted.
 - 5. No permanent additions of any kind shall be built on or become a part of any manufactured home. Skirting of homes is permissible but such skirting shall not attach the home to the ground.
 - 6. Any part of any manufactured or demountable manufactured home accessory structure such as cabanas, carports, storage cabinet, awnings or porches, shall be located not closer than five feet from the line of the manufactured home space boundary line.
 - 7. Manufactured homes shall be located not closer than ten feet to any access road right-of-way.

16.21.060 Utility connections.

- A. **Sewer Connections.** Every manufactured home park within the city shall connect to city sanitary sewers. This standard applies to any expansion of existing parks.
- B. **Water.** Every manufactured home park or expansion of the same within the city shall be connected to the city water supply system per Section 12.12.010(D) of this code. Each home in the park must have an individual water meter installed and maintained by the park owner. Each home in the park must have an individual pressure reducing valve installed as per the Uniform Plumbing Code, if the supply pressure is in excess of eighty psi.

- C. Electric Power. Every manufactured home park or expansion of same within the city, shall supply the necessary public power utilities to each and every unit therein. Such utilities shall be placed underground.
- D. Lighting. Access ways and walkways shall be well marked in the daytime and lighted at night with electric lamps of not less than one hundred watts each, spaced at intervals of not more than one hundred feet or a system which provides the same or better illumination.
- E. Utility installation shall comply with Section 16.19.080.

16.21.070 Park facilities.

- A. Park service and utility buildings permitted in this district may include but are not limited to the following: swimming pool, tennis court, clubhouse, other type of recreational facility and utility buildings.
- B. Where such uses are under a roof or includes a structure, such roof or structure shall not be located closer to any lot line than that required of the principal use.
- C. Common areas for the parking and storage of recreation vehicles shall be allowed within the park. The occupation of any recreation vehicle within the park shall not be allowed.

16.21.080 Access roads.

- A. Access roads shall be provided to each manufactured home space, shall be continuous and shall have a minimum width of twenty-five feet with a minimum total width of thirty-six feet for exterior street connections, which shall connect with a major arterial street. Access road design shall be approved by the city fire marshal or fire district representative and the director of public works.
- B. No access road approach or curb cut providing entrance to or exit from a manufactured home park shall be located closer than fifty feet from any street intersection measured from the street right-of-way lines at the nearest side of the intersection unless otherwise approved by the public works director and city engineer.
- C. Access roads and walkways within the park shall be hard surfaced, in conformance with the Kalama public works standards.
- D. All public streets or planned dedicated roadways shall be developed in accordance with the Kalama public works standards.

16.21.090 Off-street parking.

Off-street parking shall be provided with the minimum of two parking spaces for each manufactured home space. In addition, there shall be provided two extra off-street parking spaces for each five manufactured home spaces.

16.21.100 Signs.

Street signs shall conform to the public works standards.

16.21.110 Recreation areas.

Recreation areas which are provided under this chapter shall be restricted and appropriate for such use. Such areas shall be protected from streets, drives and parking areas. A minimum of one hundred square feet of recreational area for each manufactured home space shall be provided in one or more locations within the park. Each park shall have at least one recreational area that is a minimum of one thousand two hundred square feet.

16.21.120 Fire protection.

The standards for fire protection in manufactured home parks of the National Fire Protection Association Code and the following enumerated chapters of the standards of the National Fire Protection Association NFPA, Chapters 5011-A, 501-B are adopted by reference and made a part of this chapter. An appendix for fire safety and regulations shall be conspicuously posted in all manufactured home park offices and in washrooms and on the park's bulletin

board. Whenever a new tenant registers with the owner or operator of a park, the owner or operator shall require the tenant to sign an acknowledgment of receipt of a copy of these rules and regulations.

Chapter 16.22 – Developer Agreement

Development agreements are allowed subject to review through a Type IV process except that a planning Commission recommendation and public hearing are not required for a Development Review subject to the applicable criteria in WAC 365-196-845. Development agreements may be approved for longer periods of time up to the maximum allowed by state regulations.

Chapter 16.23 – Post Decision Review

16.23.010 Purpose

A Post Decision Review process is intended to allow for minor modifications of projects that have been preliminarily approved through this title.

16.23.020 -- Applicability.

1. At any time before the end of the expiration period per 16.03.030, an applicant may submit an application for post-decision review of the conditional use permit, describing the nature of the proposed change to the conditional use permit and the basis for that change, including the applicable facts and law, together with the applicable fee.
2. Post-decision review can only be conducted in regard to an approved or conditionally approved conditional use permit. A denied conditional use permit is not eligible for post-decision review.
3. No pre-application conference is required for post-decision review.
4. An application for post-decision review is subject to completeness determinations, provided that the city administrator shall only require an application for post-decision review to contain information that is relevant and necessary to address the requested change or the facts and law on which it is based.
5. Post-decision review cannot substantially change the nature of development proposed pursuant to a given conditional use permit.
6. An application for post-decision review does not extend the deadline for filing an appeal of the conditional use permit being reviewed and does not stay appeal proceedings.
7. An application for post-decision review cannot be used to extend the duration of approval for the original final decision of a conditional use permit. Any extension to the duration of approval must be applied for separately under the terms of **KMC Section 16.07.**

16.23.030 -- Post-decision review process.

1. An application for post-decision review shall be reviewed administratively by the city administrator without public notice or an open record public hearing if the city administrator finds the requested change in the decision:
 - a. Does not increase the potential adverse impact of the development authorized by the conditional use permit or request modification of conditions imposed to address potential impacts; and
 - b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
 - c. Does not involve an issue of broad public interest, based on the record of the decision; and
 - d. Does not require additional SEPA review.
2. All other applications for post-decision review shall be reviewed by the city administrator with public notice pursuant to 16.03.070

16.23.040 -- Modification.

Modification of an application other than by a timely appeal or post-decision review shall be accomplished by means of new application.

16.23.050 -- Vesting.

Applications which qualify for post-decision review shall remain vested to the laws in place at the time the original application vested.

16.24 Annexations

16.24.010 State law to govern procedure.

The method of handling petitions for annexations of property to the city shall be as prescribed by RCW Chapter 35A.14, as currently enacted or as the same may hereafter be amended.

16.25 Amendments

16.25.010 Initiation methods.

Proceedings for an amendment of this title may be initiated through a type IV process Chapter 16.03.130.40 by either of the following two means:

- A. The petition of one or more persons or corporation having a substantial and sufficient interest in the proposed amendment, which petition shall be filed with commission at the office of the city clerk-treasurer, accompanied by a fee as established by resolution of the city council, which fee shall be nonrefundable. In addition to such fee, the person filing such petition shall pay to the city on demand by the clerk-treasurer the actual costs incurred by the city in connection with petition, and all actions taken pursuant thereto, for copying, publication costs, postage and recording fees. No final action shall be taken upon such petition until all such fees and costs have been paid in full. The fees herein provided may hereafter be increased or decreased by resolution duly enacted by the city council;
- B. Resolution of the council or commission.

16.25.015 Rezoning methods.

Zoning ordinance or maps may be amended whenever public necessity, convenience and general welfare require. The boundaries of zoning districts established on maps of the city, and the classification of property uses established by ordinance, may be amended as follows:

- A. By the amendment of the text of the Kalama Zoning Code; or
- B. By amendment of the zoning map.

16.25.017 Commercial zone change.

To consider establishment of any new commercially zoned property, the applicant for the zone change must submit an inventory of the available and vacant or underutilized commercially zoned property where the proposed use is a permitted use. The inventory will provide an indication of the level of need for additional commercially zoned property which can accommodate the proposed use. All proposed rezones to commercial uses must comply with the following standards:

- A. Nonconforming Uses. A new commercial zone shall not be established upon a parcel of land which contains a nonconforming use, unless the development plan for the commercial facility includes the elimination of more than half of the nonconforming uses, buildings and structures within twenty-four months of the rezone:

- B. Traffic Circulation Plan. The applicant for the rezone must provide a traffic circulation plan showing the adequacy of the adjacent streets for carrying the traffic generated by the proposed use, proper methods of ingress and egress to and from the area.
- C. Preliminary Development Plan. The applicant for the rezone must submit a preliminary development plan for the commercial facility showing: a unified and organized arrangement of buildings; off-street parking; internal traffic circulation; public restrooms and service facilities for the property on which the new commercial facility is proposed. The planned development shall minimize any adverse effect on the properties surrounding the proposed development.
- D. Cost of Improvements. The property owner of the rezoned property shall be required to pay the cost of the construction and installation of necessary improvements on streets abutting the proposed commercial facility, and shall dedicate or deed land abutting the commercial facility for street widening purposes when so required by the city.

16.25.020 Withdrawal.

Any petition for an amendment may be withdrawn upon the written application of a majority of all persons who signed such petition. The council and the commission may by resolution cancel any proceedings for an amendment initiated by their resolution, provided that any hearing of which public notice has been given shall be held.

16.25.030 Hearing.

Upon initiation of an amendment proposal or resolution by the city council to determine the zoning of newly annexed property, and within sixty days after filing thereof, the commission shall hold a public hearing in relation thereto. Such hearing shall be held at a suitable place within the city, and notice of the time, place and purpose of such hearing shall be published at least once, not less than ten days prior to the date of such hearing, in the legal newspaper of the city. If the hearing concerns a proposed amendment to the zoning map, or to initial zoning of property newly annexed to the city, additional notice shall be given by posting on the property concerned, and written notice shall be mailed, not less than ten days prior to said hearing, to the owners of all property within three hundred feet of the boundaries thereof, using for this purpose the last known names of such owners as shown upon the records of the county assessor. Failure to send notices by mail to any property owner where the address of such owner is not included in the assessor's records on the date of such mailing shall not invalidate any proceedings in connection with such amendment or reclassification.

16.25.040 Adjournment.

The commission may adjourn any hearing in order to obtain additional information or to serve further notice upon such other persons as it decides may be interested in said amendment or classification. If a date for continuance of the hearing is set at the time of adjournment, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the commission so decides; if no such date is set, notice as required in Section 16.25.030 shall be published in the city's legal newspaper.

16.25.050 Recommendation to council.

If, from the facts presented at the public hearing or on investigation by the commission, the commission finds that the public health, safety, and/or general welfare warrant enactment of the proposed amendment and that such enactment is in compliance with the intentions and purposes of this title, it shall recommend said amendment to the council for adoption. The decision of the commission, whether favorable or unfavorable to the proposed amendment, shall be reported to the council within sixty days of the filing of the petition for the proposed amendment with the commission. If the commission's decision is favorable, the council shall act thereon, whether favorably or unfavorably, within thirty days of receipt of said decision. If the matter presented to the commission is a resolution by the city council to establish the zoning of newly annexed property, the commission, after hearing an investigation as in this chapter provided, shall make its report and recommendation to the city council within sixty days of the date of enactment of the resolution by the commission, and the commission shall act thereon within thirty days of the receipt of said report and recommendation. The city council may accept or reject in whole or in part the recommendations of the commission or may modify the proposed zoning recommended by the commission.

If the recommendation of the commission is modified or rejected in whole or in part, the council shall hold a public hearing, after notice as provided in Section 16.25.030, and following such hearing, the council shall determine the zoning classification of such annexed property and shall enact an ordinance accordingly.

16.25.060 Resubmission of denied petition.

After a petition has been denied by the commission or the council, or after an ordinance has been enacted establishing the zone classification for newly annexed property, such petition for a rezone for the classification for such newly annexed property shall not be resubmitted for rezoning within less than one year's time unless it can be shown that conditions effecting the proposed amendment have substantially changed.